

Planning Committee Report	
Planning Ref:	FUL/2022/3210
Site:	1 Lyttleton Close
Ward:	Wyken
Proposal:	Change of use from a dwellinghouse (Use Class C3) to a residential institution for up to four children/young adults (Use Class C2).
Case Officer:	Tom Cox

SUMMARY

This application is considered before planning committee for the change of use of no.1 Lyttleton Close from a dwellinghouse (Use Class C3) to a residential institution for a maximum 4no. occupants (Use Class C2).

The occupants of the proposed change of use will be children/young adults with learning difficulties who require additional support and care in day-to-day living. No more than 4no. members of staff will be employed as part of this proposal, staff will operate on rotating shifts such that somebody will be present at the property at all times, with no more than 2no. members of staff on each shift.

BACKGROUND

There is no relevant planning history related to this property, it forms part of the Coombe Meadows estate in the far east of Coventry.

The proposed use falls within Use Class C2 (Residential Institutions). Other uses that fall under this use class include other care homes, hospitals, nursing homes, boarding schools, residential colleges, and training centres. It should be noted that this class is separate from Use Class C2a (Secure Residential Institutions), which covers secure residential accommodation such as a young offender's institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as a military barracks etc. Any such change to any use falling in Use Class C2a would require planning permission.

KEY FACTS

Reason for report to committee:	More than 5no. objections have been received from neighbours.
Current use of site:	C3 (dwelling house)
Proposed use of site:	C2 (residential institution) for the housing of children/young adults with learning difficulties
Proposed no of units	The property will remain in use as 1no. unit supporting no more than 4no. occupants
Parking provision	3no. spaces located to the front of the property and on-street parking is available

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

REASON FOR DECISION

- b) The proposal is acceptable in principle.
- c) The proposal will not adversely impact upon highway safety.
- d) The proposal will not adversely impact upon the neighbouring amenity.
- e) The proposal accords with Policies: DE1, H8, AC2 and AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

SITE DESCRIPTION

The site is a large detached 4no. bedroom dwelling house located in a residential area in the Coombe Meadows estate to the far east of the city. The property has seen some alterations since its erection, these will be detailed in the planning history of the site.

The layout of the property as shown in the floor plans submitted consists of communal facilities which one expects to see on the ground floor of the property, e.g., kitchen, living and dining area; with 4no. bedrooms located upstairs. One of these bedrooms has an en suite with the other 3no. bedrooms sharing a family bathroom located on the landing. The property is presently considered to be residential use located within a residential area.

The property is located at the junction of Lyttleton Close and Hepworth Road and occupies a prominent corner plot. The surrounding area is characterised by other large, detached dwelling houses in residential use, which is the predominant character of the area. The property is situated a short distance from Brinklow Road which is a main road into and out of the city, the property is also located 0.5 miles from Warwickshire Shopping Park, with many commercial and retail services. Regular bus routes serve both the shopping park and Brinklow Road and provide connections to Rugby and Coventry City Centre. The property is also in proximity to the University Hospital which is estimated to be a 10-minute drive from the property.

APPLICATION PROPOSAL

The proposal seeks permission for the change of use and the applicant is seeking to operate under a C2 use and aims to provide this facility for people with learning difficulties, of which further detail will be provided later in the report. Appropriate assessment of occupants would be undertaken on a case-by-case basis, should permission be granted, to ensure that they would be suitable for this property and should their needs change over time, those operating the facility will look for potential locations for rehousing.

The proposal does not include any external alterations, other than the provision of a cycle store to the rear of the property, of which a potential location has been identified. The main internal change to the property would be the installation of an annexe/staff office located within the converted garage, this will provide services for staff members working both day and night, it includes several services for day-to-day living including a small

kitchenette and a single bed. However, from a site visit, it has been noted that the existing layout supports this use, therefore internal alterations would also be limited.

PLANNING HISTORY

There are no site-specific planning applications at the property, however, it is noted that some alterations have been made since its erection. This includes the installation of a single storey conservatory, which was erected between 2001 and 2005, according to historic mapping, given the length of time which has passed since this development, it is likely to be considered lawful due to the passage of time/exempt from enforcement action. The applicant has also converted the original garage into habitable accommodation, it is believed this development took place in 2016, according to historic building control records. This development is considered to have taken place within permitted development rights which therefore does not require planning permission to be sought.

Objections have been made to the proposal on the basis that it has not been operating solely within a C3 (dwelling house) use. Several claims from neighbours suggest that the property has been in use as a House in Multiple Occupancy (HMO (C4)), with other claims suggesting that the property has been listed as a short-term holiday let. The property is still listed on various accommodation websites as 'Littleton Homestay,' although it is noted that these appear to be historic web addresses and bookings are no longer available. The applicant is not seeking to gain planning permission for a holiday let or HMO, listed above, therefore the lawfulness of either of these previous uses are not applicable to the determination of this application.

It is therefore important to emphasise that the last lawful use of the property was a dwelling house (C3). As the applicant is not attempting to regularise use of the property as a short-term letting facility or a HMO, this application can only be considered on the basis of the property's lawful use and its proposed use. Overall, whilst it is important to recognise the site history, this matter is not relevant to the planning application considered here before you.

Whilst there is no planning history specific to no.1 Lyttleton Close, the following applications related to the site are considered relevant:

Application Number	Description of Development	Decision and Date
S/1991/0006	Erection of 123 Dwellings and Construction of Vehicle and pedestrian Access [Oak Farm Brinklow Road]	Approved – 29.01.1991
L/1994/0520	Residential development (Submission of reserved matters (in part) matters being discharged Condition No. 3 - layout, siting, design, external appearance and means of access and other matters; and discharge of Condition No. 7 (in part))	Approved – 27.09.1994

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate, and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve."

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy H3: Provision of New Housing

Policy H5: Managing Housing Stock

Policy H8: Care Homes, Supported Housing, Nursing Homes and Older Persons accommodation

Policy DE1 Ensuring High Quality Design

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy EM1: Planning for Climate Change Adaptation

Policy EM2: Building Standards

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a More Sustainable City

SPD Coventry Connected

CONSULTATION

Statutory

No objection subject to conditions received from:-
Highways.

Non-statutory

No Objections received from:
Environmental Protection.

Neighbour consultation

Immediate neighbours have been notified; a site notice was posted on 05.01.2023. Due to technical difficulties surrounding the availability of documents online, neighbour notifications were resent to allow additional time for neighbours to make comments and to see the plans provided.

24no. letters of objection have been received, raising the following material planning considerations:

a) The proposed location is not suitable for a C2 use as the area is purely residential

- b) The property is not in C3 use (dwelling house) – this has been addressed in the planning history
- c) Increased traffic movements as a result of the change of use
- d) Concerns about nature of occupants resulting in anti-social behaviour

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- Impact on house prices within the neighbourhood

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are the principle of development, the impact upon the character of the area, the impact upon neighbouring amenity, highway considerations, and noise.

Principle of development

Policy H8 of the Local Plan states that proposals for specialist and supported forms of housing for the elderly and those requiring care will be encouraged in areas that are accessible by a choice of means of transport and that are situated in close proximity to key local services.

The application site is considered to be in a highly sustainable location, being located within a predominantly residential area approximately half a mile away from retail and commercial services within the Warwickshire Shopping Park. The site is also located in proximity to several local bus services to Coventry city centre and Rugby located within Warwickshire Shopping Park and along Brinklow Road respectively. The property's location in relation to the hospital is also beneficial.

Concerns have been raised in relation to the proposed use, however, this use is compliant with Policy H8 of the Local Plan. The proposed development is not considered to result in an intensification of the property and is considered to be compatible with the character of the surrounding area. With no more than 4no. occupants and 2no. members of staff this is not considered to be a more intense use than a normal large family home. It is therefore considered that the principle of development is considered to be acceptable. Please note however, this assumption is subject to material considerations, as discussed below.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The National Planning Policy Framework, paragraph 130 states that "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 134) “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

Policy H8 of the Local Plan states that proposals should be of a high quality and design and be compatible with the character of the surrounding area.

No major external changes will be proposed as part of this development, with any alterations to the property being internal, although from a site visit it is also confirmed that these will be minimal. No additional windows or openings which could have the potential to lead to overlooking are proposed.

The internal layout of the property will remain as existing and will accommodate 4no. residents, this would not be materially different to the existing lawful use as a family dwelling house. The converted garage will also operate as a staff office which will in part operate as an annexe with facilities for staff breaks, as well as sleeping facilities for those staying overnight. This room already operates as a utility room and provides storage for the applicant, therefore, no major internal alterations would be required to bring this room into the desired use.

The only external change proposed would be the installation of a cycle store, which will be used by staff. Whilst a potential location for this has been identified in the site plan, details will be confirmed via a suitable condition should permission be granted. Therefore, the development proposal is not considered to result in a detrimental impact on visual

amenity and the scheme is compliant with Policy DE1 and Policy H8 of the Local Plan and relevant sections of the NPPF.

Impact on residential amenity

Policy H8 of the Local Plan states that proposals should be of a high quality, and design and be compatible with the character of the surrounding area.

Several neighbour objections raise concerns as to the impact of the scheme on residential amenity, in respect of increased noise levels and the risk of anti-social behaviour by residents and potential risk to the wider community. Whilst this has been acknowledged by the officer, the property is relatively large, detached and includes off-street parking. The number of staff required is low and the scale of the running of the care home would more than likely not require significant comings and goings, and not be at a level that would be any greater than the comings and goings of a family living at the address.

The Environmental Protection Officer raised no objection to this having sought further details in relation to the nature of occupants and their needs. The applicant has made it clear that the occupants will be teenagers/young adults with learning difficulties that require additional support in their day-to-day living, the unit will therefore operate as supported living accommodation, with rotating staff members.

The applicant has also clarified that they actively discourage group gatherings including but not limited to anti-social behaviours, as this would go against safety and protection practices for the wellbeing of the users. Visits to the property will be scheduled where required to limit comings and goings at the property.

Regarding the proposed noise levels, the Environmental Protection Officer has no objections to the development proposal. It would be inappropriate to assume that the change of use would generate greater levels of noise and disturbance than the existing authorised residential use, as there is insufficient evidence to support this. Notwithstanding this, the property is a detached dwelling house in a low-density residential estate, the rear garden is surrounded by a 2m high brick wall along the eastern roadside and 1.8m high fence on the west side adjacent with 3 Lyttleton Close. 2no. trees also sit on the eastern and southern boundaries of the garden allowing for some natural screening. The property is considered to be sufficiently enclosed to limit impact upon residential amenity, with particular regards to noise levels.

The property will be staffed 24 hours a day, 7 days a week, however, there will be no staff living at the property. There will be a maximum of three staff on duty at the property at any one time during the day, and maximum two staff during the night as required by Ofsted. The Duty Manager will also be on duty during the day 9 am-5 pm for immediate staff support during the day.

Visitors will need to schedule appointments in advance to ensure these do not overlap, visiting times will generally be between 9:00am and 6:00pm times with any out of hours prearranged and agreed by management. The owners have outlined their intention to encourage both staff and visitors to use sustainable methods of transport where possible.

Overall, the scheme is not considered to have a greater impact on the amenity of surrounding residential properties than the current residential use and as such complies with Policy H8 of the Local Plan and relevant sections of the NPPF.

Highway considerations

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

Parking provision should accord with the maximum standard expressed in Appendix 5 unless it has been clearly demonstrated that the site is in a highly accessible location where transport, by means other than the private car is a realistic alternative. In that respect lower levels of provision may be considered acceptable where the site is in close proximity to the City Centre, a train station, a high-quality rapid transport route or other public transport interchange and where there is a package of measures (proportionate to the scale of development) to enable sustainable means of transport. Any variation from the maximum standard must be fully justified by proportionate evidence.

The property is located on the outskirts of Coventry and is a significant distance from any major transport hubs, albeit public transport is available locally. The parking provision should therefore accord with the standards laid out in Appendix of the Coventry Connected SPD. The existing site makes for provision of 3no. parking spaces, in accordance with the SPD, the parking provision is considered to be acceptable and Local Highways Authority has raised no objection. It has also been clarified by the applicant that there will be a maximum no. 3 members of staff present at the property at any one time. Therefore, provision will be available should all members of staff have their own vehicle. Sustainable methods of travel will also be encouraged where possible.

The Local Highway Authority have no objection to the proposed development in principle, the 3no. parking spaces provided at the property are considered to be sufficient for the proposed C2 use. The consultee has requested that a condition is included within the decision for the provision of details of the proposed cycle parking prior to its installation at the property. This has been acknowledged and such a condition has been included in the recommended decision.

A planning condition requiring the provision of secure cycle parking has been imposed and, subject to this, the scheme is compliant with Policy AC1 and AC3 of the Local Plan and relevant sections of the National Planning Policy Framework.

Other Matters

Neighbour comments have raised concerns that passing such a development would set a precedent for similar development in the area. Each planning application is determined against local and national planning policy and guidance and is weighed upon its own individual merit. As such, the notion of precedent for residential care facilities being set for the local area, if this scheme were to be granted planning consent, is not considered relevant to the determination of this application.

Several neighbour comments have been noted in relation to the consequential impact of the proposal on house prices in the area. Whilst this comment has been acknowledged, it is not considered that there is any substantial evidence to support this, nor is it considered to be a material planning consideration.

Concerns have also been raised regarding the lack of consultation of surrounding neighbours, as well as the availability of the documents online. The LPA does accept that documents were not initially visible online, however, following correction of this clerical error, neighbours were reconsulted. Appropriate consultation has been carried out in accordance with the Development Management Procedure Order.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, highway safety or infrastructure, subject to relevant conditions and contributions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1 and H8 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS / REASON FOR REFUSAL

1.	The development hereby permitted shall begin not later than 3 years from the date of this decision.
Reason	<i>To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)</i>
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: 1-C2-Planning-apps (received 26.01.2023); C2-Clarifications (addendum to planning statement) (received 26.01.2023); Proposed Floor Plans/Site Plan;
Reason	<i>For the avoidance of doubt and in the interests of proper planning</i>
3.	The development hereby permitted shall be occupied by no more than 4no. permanent residents at any time.
Reason	<i>To ensure that the development is not used in an over-intensive manner, prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with Policies DE1, H3 and H5 of the Coventry Local Plan 2016.</i>
4.	Prior to first use the development hereby approved, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in full accordance with the approved details prior to first occupation of the building and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.
Reason	<i>In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local 2016.</i>