

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	PL/2025/0000556/FUL
<b>Site:</b>	12 Middleborough Road Coventry CV1 4DE
<b>Ward:</b>	Sherbourne
<b>Proposal:</b>	Change of use of C3 dwellinghouse into 3 self-contained flats and one studio apartment
<b>Case Officer:</b>	Sam Green

## SUMMARY

The purpose of this report is to consider the above application for the change of use of the existing single C3 dwelling, to 3 self-contained flats and one studio apartment. The proposal would have no external changes to the fabric of the building and involves internal changes to the building.

## BACKGROUND

This application is being considered by Planning Committee as the application has been called in by a councillor.

## KEY FACTS

<b>Reason for report to committee:</b>	Called in by Cllr Gardiner
<b>Current use of site:</b>	C3
<b>Proposed use of site:</b>	C3 Residential Dwellings
<b>Proposed no of units</b>	4
<b>Housing mix</b>	3 x one-bedroom flats 1 x studio-flat
<b>Parking provision</b>	None – resident parking scheme available

## RECOMMENDATION

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

## REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: AC3, H3, DE1, HE1, HE2 of the Coventry Local Plan 2017 and the emerging Local Plan, together with the aims of the NPPF.

## **SITE DESCRIPTION**

12 Middleborough Road is a semi-detached dwelling within the Nauls Mill Conservation Area. The property is built of red brick with stone dressings with an L-shaped layout. The dwelling is sited on an elevated plot to alleviate a sloping land level (east to west) with a slate roof and distinctive front bay window. The front garden is enclosed by a red sandstone boundary wall, which contributes positively to the character of the area and to the rear features amenity space. The character of the area is residential consisting of predominantly large detached, semi-detached and terraced dwellings with sandstone walls and street trees with a green contribution from Nauls Mill Park. Further south (past Abbots Lane) the character transitions to the City Centre.

## **APPLICATION PROPOSAL**

The application seeks planning permission for the conversion of the building into four self-contained flats (Use Class C3) consisting of one studio flat and three one-bed flats.

The *Planning Statement* states that the dwelling as existing is a 6-bedroom HMO which was previously used as a care home. The LPA note that there is no planning permission or database records to certify this and when requested were not provided.

Therefore, the LPA cannot without the avoidance of doubt consider the use as existing to be an HMO. The dwelling is therefore considered to be a single C3 dwelling for the purposes of the planning assessment. If the applicant wishes to certify the HMO use this would need to be pursued through a certificate of lawfulness outside of this planning permission.

The planning proposal would involve;

- Internal conversion to create 3 x one bedroom flats and 1 x studio flat.
- No external alterations are proposed to the building envelope.
- The original proposal included the demolition of the front boundary wall and creation of off-street parking via a dropped kerb.
- The applicant has since amended the scheme to retain the front stone boundary wall and remove the proposed parking area from the application.
- All flats will have access to the communal private rear amenity space.

## **PLANNING HISTORY**

No relevant planning history

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF) December 2024. 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 2017, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DS3 Sustainable Development Policy  
Policy AC3 Demand Management  
Policy H3 Provision of New Housing  
Policy DE1 Ensuring High Quality Design  
Policy HE1 Conservation Areas  
Policy HE2 Conservation and Heritage Assets  
Policy EM7 Air Quality

### **Emerging Local Policy Guidance – Local Plan Review was submitted to the Planning Inspectorate for Examination on 9<sup>th</sup> September 2025**

Local Plan review is currently at Reg 19 consultation. Relevant emerging policy relating to this application is:

Policy DS3: Sustainable Development Policy  
Policy H3: Provision of New Housing  
Policy DE1 Ensuring High Quality Design  
Policy HE2: Conservation and Heritage Assets  
Policy EM7 Air Quality

### **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPG Design Guidelines for New Residential Development  
SPD Delivering a More Sustainable City  
SPD Coventry Connected  
DPD Houses in Multiple Occupation

## **CONSULTATION**

### **Statutory**

No Objections received from:

- Highways

### **Non-statutory**

No Objections received from:

- Environmental Protection
- Conservation

### **Neighbour consultation**

Immediate neighbours and local councillors have been notified; a site notice was posted on 24/04/2025. A press notice was displayed in the Coventry Telegraph on 24/04/2025

No public letters of objection or support have been received.

Cllr Gardiner called the application to Planning Committee due to lack of parking provision and disproportionate sudden demand for parking that is likely and this unfairly advantages newcomers to the area through use of the parking permit scheme

Any further comments received will be reported within late representations.

### **APPRAISAL**

The main issues in determining this application are principle of development, the impact upon the character of the area, heritage considerations and highway matters, in particular parking.

#### **Principle of development**

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, this means:-

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote 8 to paragraph 11 confirms that this includes situations where the local authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer set out in paragraph 78).

Based on the provisions of the December 2024 NPPF the Council is able to demonstrate a 5.6 year housing land supply as of 31st December 2024.

The proposal would be an internal conversion of a use class (C3) which as existing is for residential purposes but would in principle involve the creation of new dwellings. When assessed against Local Policy H3 which sets criterion for the provision of new housing it is considered that the site is in a highly sustainable location.

The proposal therefore is deemed acceptable in principle subject to an assessment of wider planning material considerations including internal living standards, parking, waste and the site-specific designation within a conservation area.

### **Character and Design**

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.

Paragraph 131 of the NPPF states the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Officers have reviewed the internal space standards and deem the apartments to all exceed 39 sqm for 1b1p. In terms of the amenity space the new residential design guide does not stipulate compliance with specific dimensions and in the case of conversions will be considered on case-by-case basis. The amount, quality and access to the rear amenity space is also deemed to be acceptable and in accordance with the New Residential Design Guide (SPD).

The bin storage area would be to the side of the dwelling and a condition is recommended to require this be in place prior to occupation.

No external alterations are proposed and there is no conflict with Policy DE1.

### **Impact on residential amenity**

It is not considered that the proposed conversion would cause any harm to residential amenity in regard to loss of outlook, privacy or sunlight.

### **Heritage character of the area and Heritage Assets**

Local Plan Policy HE2 reflects NPPF policy and states that development proposals involving heritage assets in general and listed buildings in particular, should acknowledge the significance of the existing building and the area by means of their siting, massing, form, scale, materials and detail.

The application site is within the Nauls Mill Conservation area and therefore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also places a duty on the decision maker to give special attention to the desirability of preserving and

enhancing the character of a Conservation Area. Policies HE2 and DE1 of the adopted Local Plan are consistent with Section 72, as is Section 16 of the NPPF (2024).

The proposal is also next to 14 Middleborough Road which is locally listed and therefore a non-designated heritage asset. Therefore, the building is not designated for the purposes of the Planning (Listed Buildings and Conservation Areas) Act 1990 nor paragraph 205-208 of the NPPF. The building instead is considered under Para 216 of the NPPF which states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. It is considered that there would be no harm to No 14 as part of the proposal.

CCC's Conservation officer did originally object to the proposal due to the removal of the sandstone boundary wall to allow for parking. These aspects have since been removed and the proposal now retains the boundary wall.

As there are no external changes that the proposal would have no visual impact and therefore the impact upon the conservation area would be neutral.

The internal changes would allow for the proposal to be used for residential purposes (which is the optimum use) and therefore the proposal would comply with the heritage policies within the NPPF.

### **Highway considerations**

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.

The original provision of off-street parking was objected to by the Local Highway Authority and since has been omitted for heritage reasons.

The amended proposal offers no designated off-street parking. The Local Highway Authority determine that the proposed change of use would require 4 parking spaces

under the current parking standards, which would be an increase in 2 spaces on the existing demand for the use as a single dwelling.

The LHA consider that the existing on-street parking restrictions along the length of Middleborough Road, as well as proximity of the site to the city centre (as defined in Appendix 5 of the Local Plan) would limit the necessity and opportunity for occupants of the property to have a car. The LHA therefore does not consider that the proposals would present any severe impacts and do not object to the proposal subject to a condition ensuring appropriate cycle parking facilities are made prior to occupation.

Middleborough Road falls within a designated Residents' Permit Scheme area, and properties along this road are generally eligible to apply for permits and each self-contained flat with a separate postal address and Council Tax registration would be applicable to apply. The permit does not guarantee a parking space but does offer the ability to park if spaces are available. Objection was received on this matter from a Councillor due to the allowance of 3 parking permits and 3 visitor permits per address under the provisions of the Middleborough Road permit.

The LPA reviewed the potential of imposing a condition on a planning permission restricting future occupiers right to access parking permits and refer to the High Court decision *Westminster City Council v Secretary of State for Communities and Local Government*; and Court of appeal decision *Khodari v Royal Borough of Kensington and Chelsea Council* which form material considerations.

In the *Westminster* judgment the High Court expressed the view that an obligation preventing an occupier from applying for a parking permit did not meet any of the objectives authorised by Section 106, and such an obligation in a planning agreement was personal to the contracting party, and could not be registered as a local land charge and would not bind successors in title.

In the *Khodari* judgment, Lord Justice Lewison who agreed with the decision in *Westminster*, concluded that restricting the use of an owner of land from applying for a parking permit was not restricting the use of the land for which planning permission had been granted, but was rather a restriction relating to the use of the highway.

The key point was that for it to be a valid Section 106 obligation or planning condition, the restriction had to relate to the land that was the subject of the planning permission or land to which the applicant had a reasonable degree of control. The day-to-day use of the highway does not fall within the scope of the Town & Country Planning Act. Lord Justice Lewison noted that the correct mechanism for dealing with such issues was for the relevant Highway Authority to exclude each new household from the schedule of streets in the statutory instrument creating the controlled parking zone, so that those households could not apply for a parking permit.

In consideration of the prior high court decision the LPA consider that in the event of granting the planning permission under assessment, there could not be a planning condition or legal agreement which restricts future occupants' ability to apply for permits as part of the residential scheme.

As a point of commentary (thus no material planning weight attributed to the matter), the LPA consider that due to the location occupants would likely either walk, use sustainable travel methods or own one car or in some instances two (due to the living capacity of the flats). The LPA can appreciate concerns in regard to maximum usage of the resident permit scheme but do deem the likelihood of 4 x 1 bedroom flats to each enlist 3 cars to the scheme to be slim. These cars would need to be registered to the address (using the vehicles V5) and thus stipulated to comply with this address for other legislative reasons such as motor car insurance.

The LPA consider any misuse of the permits should be enforced under the appropriate resident parking scheme mechanism and in accordance with the high court judgement the planning process lawfully should not be used to prevent the potential for misuse or to restrict the resident parking scheme process. When this matter is balanced against the LHA's stance of no objection to the proposal and that heritage considerations would restrict the applicants ability to implement off street parking, the LPA consider that the appropriate balance has been struck and the proposal is determined to be acceptable on highway grounds.

### **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 the conservation area subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies AC3, H3, DE1, HE1, HE2 of the Coventry Local Plan 2017 and the emerging Local Plan Policies together with the aims of the NPPF.



## CONDITIONS/REASONS

<b>1.</b>	The development hereby permitted shall begin not later than 3 years from the date of this decision.
<b>Reason:</b>	<i>To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)</i>
<b>2.</b>	The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Site Plans DWG 261-01 Existing Plans and Elevations DWG 261-02 Proposed Site Plan DWG 261-04 Rev B Proposed Plans and Elevations DWG 261-03
<b>Reason:</b>	<i>For the avoidance of doubt and in the interests of proper planning.</i>
<b>3.</b>	The residential accommodation hereby permitted shall not be occupied unless and until the bin storage areas have been provided in full accordance with the details shown on the approved plans and thereafter they shall remain available for use at all times and shall not be removed or altered in any way.
<b>Reason:</b>	<i>In the interests of the amenities of the future occupants of the residential accommodation in accordance with Policy DE1 of the Coventry Local Plan 2017 and the emerging Local Plan.</i>
<b>4.</b>	The accommodation hereby permitted shall not be occupied unless and until cycle parking facilities have been provided in full accordance with the approved details. Thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.
<b>Reason:</b>	<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 2017 and the emerging Local Plan.</i>
<b>5.</b>	Any gas boilers installed on site shall have a dry NOx emission rate of no more than 40mg/kWh.
<b>Reason:</b>	<i>To mitigate the impacts of development on air quality in accordance with Policy DS3 of the Coventry Local Plan 2017, the emerging Local Plan and the aims and objectives of the NPPF.</i>

6.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, the residential accommodation hereby permitted shall be occupied only as a dwellinghouse(s) falling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any order revoking and re-enacting that Order with or without modification, and for no other purpose; and for the avoidance of doubt there shall be no permitted change to Use Class C4 of the schedule to that Order.
<b>Reason:</b>	<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 2017 and the emerging Local Plan.</i>