



Appeal Decision

Site visit made on 31 October 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2023

Appeal Ref: APP/U4610/W/23/3322500

3-5 Minster Road, Coventry CV1 3AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Muhammed Ikram against the decision of Coventry City Council.
 - The application Ref FM/2022/0232, dated 27 January 2022, was refused by notice dated 28 February 2023.
 - The development proposed is "Demolition of existing buildings and erection of residential care home with 26 bedrooms."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the National Planning Policy Framework (the Framework) was revised on 19 December 2023. However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.
3. The description above is taken from the Council's decision notice as it reflects the amendments made to the proposal during its determination to reduce the number of bedrooms from 27 and which was agreed between the parties. The Council dealt with the proposal on this basis and so shall I.
4. Although not a reason for refusal, in its officer report the Council states that NHS Coventry and Warwickshire CCG have been consulted and request a capital contribution of £30,622 for improvements to off-site primary medical care and healthcare facilities. As no legal agreement has been provided for such payment I have treated the matter as a main issue in my decision.

Main Issues

5. The main issues in this appeal are:
 - The effect of the proposal on highway safety and the immediate area with regard to parking, and
 - The effect of the proposal on health provision in the area.

Reasons

Parking

6. The appellant is in collaboration with Infiniti Care, who provide care to support individuals with dementia, learning and physical disabilities and mental health issues. The proposed 3-storey care home would comprise 26 en-suite bedrooms arranged in clusters over three floors to allow residents with similar conditions/ailments to be grouped together to offer greater specialist care.
7. There would be 8 daytime staff (working 8am – 8pm) and 4 nighttime staff (working 8pm – 8am), with visiting specialists such as GPs and other health/care professionals plus family and friends. The proposal would be car-free with no on-site parking provision. Staff, visitors and residents would have to park on Minster Road and other nearby streets. A number of neighbouring residents have raised concerns about the pressure this would place upon on-street parking in the area.
8. The Highway Authority has compared the parking requirements of the existing and proposed developments using the Council's parking standards. The existing retail/takeaway/car wash use generates a need for 12 parking spaces. These uses rely upon on-street parking, although I saw the car wash garage had a number of dedicated on-site bays for washing and cleaning.
9. The Council's parking standards indicate the care home would require 11 parking spaces (based on 1 space per 4 bedrooms and 1 per 2 members of staff), which would be 1 less parking space than the existing uses require. The dropped kerb along Minster Road outside part of the existing site would be reinstated, hence providing additional on-street parking spaces.
10. Holyhead Road is a main thoroughfare into/out of Coventry city centre, which I saw was busy and parking was restricted by double yellow lines. However, there was unrestricted parking on Minster Road, which comprises predominantly residential terraced housing, none of which has on-site parking. A three-storey block of flats adjacent to the appeal site has its own courtyard parking.
11. The appellant has submitted a Transport Statement to support the proposal. TRICS data shows there would be a net decrease in vehicle trips for the a.m. and p.m. peaks as well as an overall reduction in trips, when compared to the existing uses on site. The appellant has also undertaken a number of parking surveys. Some were carried out in November 2018 and March 2019 to support a previous planning permission¹ that was granted for the erection of a three storey building for student accommodation comprising 21 rooms within 5 flats. A more recent parking survey was undertaken in February 2021.
12. The Transport Statement expects the proposed development would have maximum overnight parking demand of 6 spaces. The latest parking survey shows that there were about 10-17 parking spaces available along Minster Road and some 17 spaces along Waveley Road, all within easy walking distance of the site. The appellant has also included 2011 Census data to show that the area has low car ownership, typically 50%.

¹ LPA Ref: FUL/2018/3139 granted 12 July 2019

13. My observations during my visit and the submitted parking survey evidence indicate to me that there would not be an undue pressure on parking provision in the area, and that there would be scope and capacity for on-street parking provision in Minster Road and nearby streets. The Highway Authority agreed with the parking survey findings and raised no objection to the proposed car-free development.
14. I appreciate the parking survey results represent snapshots in time and might not reflect the parking situation every day. Nonetheless, the parking surveys were carried out at times when residents were most likely to be at home and hence when parking demand is at its greatest, typically in the evening and morning during the week and at weekends, as recommended by the Council's 'Parking Beat Survey Standards for Residential Developments'.
15. Policy H8 of the Coventry Development Plan (the CDP) encourages proposals for care homes, and other specialist and supported forms of housing for those requiring care, in areas accessible by means of transport and situated in close proximity to key local services, and that the best locations for higher density development would be within or adjacent to designated centres or public transport nodes.
16. The appellant hopes that staff would generally live locally, although this could not be controlled. I saw that there were a number of bus stops on Holyhead Road within easy walking distance of the site that were served by a regular public transport bus service into and out of Coventry city centre. The site is also located within a short walk of the services and facilities within Coventry city centre, such as a 12 minute walk to the main central shopping area, and within walking distance of the railway station and bus station. Hence the site is well located to public transport offering opportunities for staff and visitors to use public transport and alternatives to the car.
17. To conclude on this main issue, in the absence of substantive evidence to the contrary I am satisfied that the reliance on on-street parking would not place undue pressures on existing parking provision and hence would not cause material highway safety concerns or be a material detriment of the immediate area and to existing and future residents.
18. Accordingly, the proposal would not conflict with CDP Policy AC3 that seeks, amongst other things, to ensure that development accords with the Council's parking standards, and where there is lower provision that there is justification such as there are alternatives to the car and the site is in close proximity to the City Centre and access to public transport nodes.

Health provision

19. CDP Policy IM1 requires developer contributions for infrastructure to mitigate the impacts of development and make them acceptable. One of the Framework's aims is to achieve healthy, inclusive and safe places and enable and support healthy lifestyles, especially where this would address identified local health and wellbeing needs.
20. Following consultation, the NHS and Warwickshire CCG has requested a capital contribution of £30,622 for improvements to off-site primary medical care and healthcare facilities to reflect the increase in population generated by the development and the likely increased demand on local health services,

including GP practices. The contribution has been calculated on a capacity and costs analysis basis.

21. I consider the financial contribution would meet the tests in section 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and the guidance in paragraph 57 of the Framework as it would be necessary, relevant and fairly related to the proposed development given that it would add additional residents to the local area who would use the health facilities.
22. The parties are in agreement to the payment of the financial contribution via a planning obligation under Section 106 of the Town and Country Planning Act 1990. However, in their appeal statement the appellant confirms that no draft planning obligation is available and drafting of one would have commenced had there been a positive planning committee resolution. The parties have been given an additional opportunity to comment on there being no planning obligation, in light of health provision being made a main issue.
23. The Council has since confirmed that the contribution remains CIL-compliant. The appellant has responded to say he believed that as the health and medical contribution was not raised by the Planning Committee in the reason for refusal that no further action was required by the appellant.
24. The appeal guidance² is clear and states that a copy of the planning obligation should be submitted with the appeal and received no later than 7 weeks from the start date of the appeal, and that the issue of an appeal decision will not be delayed to wait for a planning obligation to be executed, unless there are very exceptional circumstances. Submitting a duly executed planning obligation as part of the appeal means that the appeal could be allowed if other issues are found to be favourable. The appellant's belief that a planning obligation was not required does not amount to an exceptional circumstance, particularly when the appellant has been professionally represented.
25. Despite the appellant's agreement to pay the financial contribution, without a duly executed planning obligation the adverse impact of the development would not be mitigated and the proposal would be contrary to CDP Policy IM1.

Conclusion

26. Whilst there would be no harm to highway safety or detriment to the immediate area for existing and future residents with regard to parking, the proposal would be unacceptable due to the lack of a planning obligation to secure the necessary financial contribution to off-set the impacts on the provision of primary health care in the locality. Consequently, the proposal would be contrary to the development plan and there are no material considerations which outweigh this finding.
27. Accordingly, for the reasons given the appeal should not succeed.

K Stephens
INSPECTOR

² Planning Inspectorate Procedural Guide: Planning appeals – England (updated 13 June 2023)