

Report of the Chief Executive

19/00012/FUL**CHANGE OF USE FROM A NURSING AND RESIDENTIAL CARE HOME (CLASS C2) TO FOUR HOUSES OF MULTIPLE OCCUPATION (CLASS C4)****GABLES NURSING HOME 169-171 ATTENBOROUGH LANE CHILWELL**

Councillor Eric Kerry requested this application be determined by the Committee.

1 Details of the Application

- 1.1 This is a planning application for a change of use from a nursing home (Class D2) to four Houses in Multiple Occupation (Class C4) comprising two apartments per floor, with five en-suite bedrooms each to two apartments and six en-suite bedrooms each to the other two (eleven bedrooms per floor). For clarification, Use Class C4 restricts occupancy to between 3 and 6 unrelated persons per dwelling.
- 1.2 Each apartment would have shared facilities such as kitchen, dining and living rooms. Cycle storage would be provided within the existing floorspace. To the front, nine parking spaces would be provided, as well as an enclosed bin store area.
- 1.3 There would be no extensions or external alterations aside from the removal of a conservatory to the rear, and the insertion of a window at the first floor level, to serve a bedroom, within the rear elevation.

2 Site and Surroundings

- 2.1 169-171 Attenborough Lane, originally two separate dwellings, is a former care home of two storeys in height which have been linked together, and have had several extensions both to the front, rear and sides. The building appears as three dwellings connected by flat roof link buildings to form one long mass of building. The property is set back from the road, with parking to the frontage. It is positioned close to its' rear boundary and to both side boundaries. The care home, which had 23 bedrooms, has been vacant since the summer of 2018.
- 2.2 The site is located on the north east side of Attenborough Lane. There is a pair of two storey semi-detached dwellings to the north west, adjacent to the site. The closest property, 163 Attenborough Lane, has a single storey extension and garage adjacent to the common boundary with the site. 173 Attenborough Lane is a two storey detached property to the south east of the site. This property has a single storey extension and outbuildings sited along the common boundary.
- 2.3 To the rear of the site (north east) there is a detached two storey property, 25 Ireton Grove. This property is set away from the common boundary by 18m to the main side elevation, and 12m to the closest part of the single storey side extensions. Whilst there are no habitable room windows in the facing elevation at first floor level, the single storey extensions have windows to the facing elevation

at ground floor level. Additionally there is a bay window in the front (south east) elevation at ground floor and indirect views of the site are possible from this window.

- 2.4 To the opposite side of Attenborough Lane, to the south west, there is a single storey detached dwelling, 126 Attenborough Lane. This property is set in from the front boundary by approximately 8m. There is an access drive to the south of this property which leads to the Blue Bell Inn, a public house and restaurant located further to the south west. South of the site and to the other side of the public house access, there is the Attenborough Village Hall, a single storey detached building, set back from the road with parking to the frontage. To the north of 126 there is a filling station, car repairs business and car wash site. The filling station has a small ancillary shop selling convenience goods.
- 2.5 Further to the north west, toward the junction with Nottingham Road / Bye Pass Road, there are a mix of retail and commercial uses including hairdressers, estate agency and a bathroom showroom. Notwithstanding these commercial uses, the character of the area is predominately residential and the site is at the outer edge of Attenborough Village, with the lane continuing south east into the village itself.
- 2.6 The application site is within Flood Zones 2 and 3.



The site, looking north toward 161 and 163 Attenborough Lane



Front elevation of the site



South east end of the site frontage



Looking toward 173 Attenborough Lane



View south east along Attenborough Lane, with Village Hall to the right



Rear yard, showing garage within 173 Attenborough Lane, forming the south east boundary



First floor windows in south east facing elevation
Conservatory to be demolished



View from rear looking toward 25 Ireton Grove



View from first floor towards 25 Ireton Grove, to the north east



View east, from first floor, toward 17 and 19 Ireton Grove. Garage of 173 Attenborough Lane can be seen on the right side

3 Relevant Planning History

3.1 There have been several planning applications relevant to the application site:

76/00872/FUL	Conversion of existing garage to staff accommodation (north west elevation) and extension to front elevation. This relates to 169 Attenborough Lane.
77/00788/FUL	Utility room extension – a single storey extension to south east elevation of 169.
78/00008/FUL	Extension to nursing home – relates to the rear of 169.
83/00472/FUL	Form covered way (single storey) connecting 169 and 171 Attenborough Lane (merging the two properties into one care home).
88/00490/FUL	Alterations and extensions to nursing home – consisted of first floor extensions above garage conversion to 169 and above link between 169 and 171.
91/00800/FUL	First floor extension to rear of 169.
93/00250/FUL	Entrance porch (to 169)
94/00187/FUL	Entrance porch (to 171)
94/00738/FUL	Retain rear conservatory
95/00074/FUL	Side extension to form kitchen store
95/00282/FUL	Side extension to form laundry and kitchen store
96/09007/ADV	Non-illuminated board sign
05/01024/FUL	Extensions and alterations – comprising extension to front porch, two extensions at first floor, and replacement bay windows.
06/00980/FUL	Retain alterations and extensions to nursing home (pertaining to 05/01024/FUL, where the proposal had not been carried out in accordance with the approved plans).

These are all in respect of the use of the buildings as a care home.

4 Policy Context

4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.
- 4.1.2 Weight may be given to emerging plan policies according to the stage of plan preparation, the extent to which there are unresolved objections to the policies, and the degree of consistency of the emerging policies to the NPPF.
- 4.1.3 Planning conditions and obligations should only be used where they meet the requirements set out in paragraphs 54-56.
- 4.1.4 The document outlines that the government's key housing objective is to significantly boost the supply of homes and states that there should be a sufficient number and range of homes within safe and well-designed environments. It advises that the needs of groups with specific housing requirements should be addressed.

- 4.1.5 Paragraph 59 states that a sufficient amount and variety of land should come forward where needed, and that land with permission is developed without unnecessary delay.
- 4.1.6 To promote healthy and safe communities, social interaction should be promoted through active street frontages, places should be safe and accessible and enable and support healthy lifestyles.
- 4.1.7 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 4.1.8 Section 11 outlines the need to make effective use of land, particularly previously-developed land. To achieve appropriate development density, consideration should be given to the identified need for different housing types, local market conditions, viability, the availability and capacity of infrastructure and services, promotion of sustainable transport, desirability of maintaining an area's character and setting or promoting regeneration and change and the importance of securing well-designed, attractive and healthy places. Where there is an existing or anticipated shortage of housing land, low density housing schemes should be avoided.
- 4.1.9 A fundamental aim of the planning process should be to create high quality buildings and places and section 12 includes guidance on achieving this aim. Developments should function well and add to the quality of an area for the lifetime of the development; be visually attractive; be sympathetic to local character and history whilst not discouraging change; establish or maintain a strong sense of place; make efficient use of land and create safe, inclusive and accessible places with a high standard of amenity for existing and future users. Design should take into account the views of the community and where early, proactive and effective engagement with the community has occurred, such schemes should be looked on more favourably.
- 4.1.10 Paragraph 127 states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible.
- 4.1.11 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

4.2 **Broxtowe Aligned Core Strategy**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF.

Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

- 4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings.
- 4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6150 in the Broxtowe Borough part of GN, of which 3800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.
- 4.2.5 'Policy 8: Housing Size, Mix and Choice'. Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space.
- 4.2.6 'Policy 10: Design and Enhancing Local Identity'. Aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.
- 4.2.7 'Policy 14: Managing Travel Demand' makes it a priority to select sites which are accessible by the most sustainable means of transport. It sets out measures to encourage a switch to sustainable forms of transport first before major highway capacity improvements are considered.

4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy H4: Subdivision or Adaptation of Existing Buildings. Development will be permitted subject to the development providing an acceptable standard of amenity and the development not resulting in an unacceptable level of parking problems either by itself or setting a precedent.
- 4.3.3 Policy H6: Housing Density. Seeks to ensure an appropriate density of housing for sites, which should be higher where close to frequent public transport services.
- 4.3.4 Policy H7: Land not allocated for Housing Purposes. Residential development on sites within existing built up areas will be permitted provided that: occupiers of the new dwellings would have a satisfactory degree of privacy and amenity; the development would not result in an undesirable change in the character or appearance of the area; satisfactory arrangements can be made for access and parking; and would not have an unacceptable impact on the privacy and amenity of nearby properties.

4.3.5 Policy E34: Control of Noise Nuisance. Planning permission will not be granted for housing and other noise sensitive development if the occupants would experience significant noise disturbance.

4.3.6 Policy T11: Guidance for Parking Provision. Planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing.

4.4 Part 2 Local Plan (Draft)

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 7 no. representations in relation to Policy 1, 12 representations in relation to Policy 15 and 11 representations in relation to Policy 17. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 1 and 17, but has suggested changes to other policies, including Policy 15. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policies 1 and 17 can now be afforded moderate weight, with Policy 15 being afforded limited weight.

4.4.2 Policy 1 'Flood Risk' seeks to ensure that development does not increase risk of flooding to the development and the wider area and would not result in harm through flooding for the occupiers.

4.4.3 Policy 15 'Housing Size, Mix and Choice' seeks to ensure that housing developments provide a mix of house type, size, tenure and density to ensure the needs of the residents of all parts of the borough are met.

4.4.4 Policy 17 'Place-making, design and amenity' states that permission will be granted for development which meets a number of criteria including that it should integrate into its surroundings, have good access to public transport and ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

5 Consultations

5.1 The Private Sector Housing Officer has no objections, and notes that each flat would require a HMO licence and fire prevention and protection measures.

5.2 The Environmental Health Technical Officer has no objection subject to a note to applicant in regard to noise insulation between flats, and to appropriate hours of building works.

5.3 The County Council as Highway Authority note that whilst the proposal satisfies the specifications in regard to parking provision within the development, there is a potential, should the development be permitted, for an increased demand for on-street parking. Should the development be found to be acceptable, recommend conditions relating to the installation of dropped kerbs, and surfacing and marking of parking spaces.

- 5.4 The Environment Agency object to the development. Comments received in regard to the updated Flood Risk Assessment recommend refusal on the basis that as sleeping accommodation is proposed to the ground floor, the occupiers of the ground floor flats would not have access to a safe refuge on the upper floor and as such would be at risk.
- 5.5 The Waste and Recycling Officer advises on bin storage provision and collection requirements. Further comments on the amended plans which indicate where the bin storage will be located, and what the provision would be, have been received. The capacity of the bin and store are satisfactory, subject to the collection point being within 10m of the adopted highway.
- 5.6 Six neighbouring properties were consulted. 193 letters of objection have been received, and one letter of support.
- 5.7 The objections to the scheme raise concerns in regard to:

Parking and highway safety

- The potential occupancy of 40 residents with only nine parking spaces proposed would lead to an unacceptable impact on highway safety, as vehicles would then be parked on Attenborough Lane, which is already congested by commuters using the train station, and other uses such as the Village Hall. As the hall operates a pre-school nursery as well as other after school activities, the increase in on-street parking would put children at risk
- Increased risk of accidents due to increase in vehicles having to park on the street
- As there is pressure for on-street parking, demolish the property and use as a car park for the train station
- Residents have been requesting double yellow lines along Attenborough Lane
- Impact of additional traffic on the wider public highway, queuing at the junction turning in from Nottingham Road
- Impact on the operation of local businesses – availability of on-street parking spaces would be restricted
- Likely that vehicles which cannot park on the road would trespass onto private property e.g. Village Hall, pub car park, or forecourt parking at the shops
- The planning statement states that there is a bus stop outside. It should be noted that this is a limited service and as such cannot be considered as a sustainable transport link
- The bus stop markings would prevent parking at the property
- No objection if the proposal provided one parking space per resident
- Would affect the long term viability of the Village Hall, as additional on street parking required for the development would eliminate on-street parking spaces for the users of the Village Hall
- A Section 106 Agreement must be secured to limit the number of car-owning tenants. This would be enforceable and has been used by other Local Authorities where parking space is very limited

- The council would be held accountable for any injury to pedestrians as a result of increased traffic and parking activity, should planning permission be granted for the scheme

Principle and Use of the Site

- HMO's are not an appropriate use for the village location and would spoil the character of the village, which is one of family households
- What is the use to be, hotel, hostel or student accommodation, or some other use?
- Potential anti-social behaviour issues arising from the intended occupants (crime and noise), concerns over personal safety
- The communal facilities are not suitable for the amount of proposed residents
- How can the 'no couples' policy (as per the agent's supporting information) be enforced?
- Transient nature of HMO tenants may not stay long enough to engage in the community
- HMO tenants may not be as proactive in the upkeep and maintenance of the area
- HMO's would present a fire risk and will be overcrowded
- Intention for lettings to be for 'professionals' – what type of tenant would be targeted if they cannot fill with professionals
- HMO's are better suited to areas with a lot of facilities within easy walking distance
- Limited facilities in the area, food shops are a distance away, therefore not a sustainable location
- Who are the prospective tenants? Concerns for child safety, being opposite the Village Hall which holds pre-school nursery, and other young person's social activities
- No details in regard to the management of the property have been given, which should give contact details for the use by occupants and by neighbouring residents, should a problem occur
- Who will be responsible for the tenancy arrangements, will there be a representative (staff) on site at all times?
- Whilst accepting the pressure to provide housing, this is not an acceptable proposal
- A more suitable option would be to build 2, 3 or 4 houses for sale, in keeping with the area and its ambience
- Alternatively, convert the property back into two, three or four homes
- Could the property not be retained as a care home use?
- 23 rooms could result in each having loud music to the detriment of the neighbours
- A condition should be attached to any decision requiring windows to be closed after 10pm any night, to prevent noise nuisance to nearby neighbours
- Limited outdoor amenity space for the intended residents
- Cooking smells from 4 separate kitchens
- Close proximity of HMO to house on Ireton Grove

- Once the use class has been changed to C4, no further application or legislation would be necessary for the developers to let to whoever and as many people as they want. C4 falls within the sui generis sector and leaves it open to misuse

Other concerns

- Loss of privacy – use of rear outdoor area as communal space; overlooking of the Village Hall which houses a playgroup and other young children's clubs, overlooking of neighbouring properties
- Waste and refuse collection – who will be responsible and will there be enough provision for up to 40 occupants?
- Siting of the commercial waste bins to the front of the property would be a blight on the appearance of the street
- No details in regard to external materials, boundary enclosures, or surfacing treatments have been submitted
- Impact on appearance of street scene through amount of parking to frontage and loss of landscaping
- The property is located in Attenborough, and not Chilwell
- There has been a history of surface water problems in the vicinity – will a reduction in porous parts of the site result in an increase in surface water in the road?
- Environmental concern regarding hedgehogs, which are present in the area. Building work (enclosures) could disrupt their habitat
- Loss of a care home facility, question what provision there is for a replacement in the area
- Increased pressure on the drainage system
- Negative effect on house prices in the area
- Closure of the care home has led to a loss of jobs in the community. These jobs will no longer be available, presumably with an increase to social security costs
- Pre-application advice given by the planning authority in September 2018 has pre-determined the application
- Applicant is not based in the area, and therefore has no knowledge of the area with no input into the community, only wanting to make a quick profit
- Question whether the building is sound as there is a crack in the side of the building
- No economic benefit for Attenborough Village or those that live here
- The application seeks to extend the building, which will negatively impact on the surrounding properties to the side rear and in front

5.8 The letter of support raises the following points:

- There is a shortage of housing and it is better that new accommodation is built on a site of similar residential use, rather than taking up green spaces.
- The small number of parking spaces suggests that most of the proposed tenants cannot, or will choose not to drive, so the transport links to Nottingham, Derby and further afield make it an ideal location.
- As a community, Attenborough can pride itself on offering support to people of all ages through the many community activities in the village,

Attenborough could provide a warm and welcoming community and may benefit from the diversity.

- The proximity of the nature reserve, playgrounds and playing fields on Long Lane will provide the future tenants with low-cost health benefits and leisure opportunities.

6 Appraisal

6.1 The main considerations relate to the principle of residential accommodation in this location, impact on the occupiers of neighbouring properties, impact on highway safety, and the design and appearance of the proposed building.

6.2 **Principle**

6.2.1 As the site has been in residential use, latterly as a care / nursing home, and as the character of the area is predominately residential, it is considered that subject to an assessment of the proposal in terms of its impact on the amenities of neighbouring uses, the principle of residential use on this site is acceptable and would contribute to providing a mix of house type, size and tenure sufficient to meet the needs of a wide range of residents, and thereby would contribute to the creation and maintenance of a sustainable community, whilst retaining the overall character of the area.

6.2.2 The site is close to the junction of Attenborough Lane and Nottingham Road / Bye Pass Road. Within the immediate vicinity there are a range of retail outlets including hairdressers, professional services, an ATM, a public house / restaurant, and a petrol filling station, which has a small ancillary convenience shop. It is within easy walking distance of well served public transport routes, both along the main road and from Attenborough train station. Within a short walk of approximately ten minutes, at West Point centre to the north side of Nottingham Road, there are a wider range of facilities including two supermarkets, a takeaway, and a pharmacy. There is also a health care facility within the centre. Also within convenient walking distance of the site, there are a range of employment uses. As such it is considered that the application site is in a sustainable location, with access to a range of facilities and within easy access of a choice of sustainable means of transport.

6.3 **Amenity**

6.3.1 There are three residential properties directly adjoining the application site. 163 Attenborough Lane, to the north west, has a single storey extension and garage adjacent to the common boundary with the site. There are no windows within the side elevation of the building facing this property, and there are no new windows or other alterations proposed on this side. As such it is considered that the proposed use would not have a significant impact on the amenities of the occupiers of this property in terms of loss of light, outlook or privacy.

6.3.2 173 Attenborough Lane is a two storey detached property to the south east of the site. This property has a single storey extension and outbuildings sited along the common boundary. There are no new windows proposed in the side elevation facing 173. The conservatory will be removed and as a consequence the outdoor

area would be enlarged. However, as the side wall of the garage within 173's garden forms the boundary, it is considered that the proposal would not have a significant impact in terms of loss of light, outlook, or privacy.

- 6.3.3 To the rear of the site is 25 Ireton Grove. This property is set away from the common boundary by 18m to the main side elevation, and 12m to the closest part of the single storey side extensions. Whilst there are no habitable room windows in the facing elevation of this property at first floor level, the single storey extensions have windows in the south west elevation facing the site, at ground floor level. Additionally there is a bay window in the front (south east) elevation at ground floor and indirect views of the site are possible from this window. There is one additional window proposed in the rear elevation of the Gables, at first floor level. This window would be set back within a recess and would give limited views toward 25 Ireton Grove. There would be a minimum distance of 19m between the rear elevation of the site and the main side elevation of 25. It is considered that whilst some of the rooms at the rear of the building, which face 25 Ireton Grove, would change their use, for example, bedroom to communal space and vice versa, the layout of the care home would have allowed for internal changes that would not require planning permission, and that the nature of the proposed use, as residential, is the same. Therefore it is considered that the proposal would not have an unacceptable impact on the amenities of the occupiers of 25 Ireton Grove in terms of loss of light, outlook or privacy.
- 6.3.4 126 Attenborough Lane, which is opposite the site and to the south west, is a detached bungalow. The property is set back within its plot and at an angle to the highway. As such the windows to the front elevation of the application site building do not result in any unacceptable overlooking of this property.
- 6.3.5 In regard to the living standards of the future occupiers, whilst no objections have been raised by the Private Sector Housing team, it is noted that some rooms would be deemed too small for double occupancy. Single beds are now shown within each room. Notwithstanding this, each apartment would need to comply with any HMO licencing requirements in force. It is considered that each bedroom has an adequate access to natural light and to an outlook and as such would provide a satisfactory living environment, which would encourage longer term lets. It is also noted that the constraints of a Class C4 use would only allow for a maximum of six occupiers per C4 unit.
- 6.3.6 Concerns have been raised in regard to anti-social behaviour from the future occupants in terms of noise nuisance, particularly late at night, due to the intensity of occupation. It is considered that the proposal, for residential accommodation of five and six bedroom apartments, would not result in a notable rise in noise and disturbance, given the location of the property, which is close to a busy main road and to commercial businesses such as the public house / restaurant opposite, to the south west of Attenborough Lane. Whilst there are no staff proposed to be resident as part of the development, a property management company will oversee the management of the property, who will be responsible for tenancy agreements and compliance thereof. Notwithstanding this, any anti-social behaviour or unreasonable disturbance which occurs can be reported to the relevant body, being either the Environmental Health section of the Council, or the Police. A request for a condition to ensure that the windows are to be closed after

10pm at night would be unreasonable and unenforceable, as the intended occupiers would have a right to fresh air and ventilation.

- 6.3.7 Concerns in regard to the category of tenancy that would occupy the property, as issues such as crime, personal safety, and safeguarding of children have been raised. Whilst the supporting information states that the accommodation would be targeted at professionals, it would not be a material planning consideration as to who the tenants would be, as long as the property is occupied under the constraints of the authorised use class for that property. A C4 use (small HMO) allows for non-related occupation by between three and six persons. It would therefore be unreasonable and un-enforceable to condition the tenancy of the property to any one particular type of tenancy, should planning permission be granted. Should the levels of tenancy exceed that allowed in the C4 use class, then this would constitute a change of use and as such the owner or operator of the building would be liable to appropriate enforcement action.

6.4 Design, Scale and Layout

- 6.4.1 There are minimal alterations to the exterior of the property, these being the removal of the conservatory to the rear, and the insertion of a window at first floor level, also in the rear elevation. Whilst these alterations would not be visible from the public domain, it is considered that the removal of the conservatory in particular would be a positive benefit to the building, and would enhance the amount of outdoor private amenity space available.
- 6.4.2 The frontage to the building is currently laid to a mix of hard surfacing and an informal soft landscaped area. The hard surfaced area, whilst not marked out for parking, could currently provide off street parking for approximately six vehicles. Some of the hard surfaced area is currently used for the storage of refuse receptacles. The proposed layout would see a small section of the existing soft landscaping removed and the frontage laid out to provide nine off street parking spaces, and an enclosed bin storage area. In regard to the appearance of the frontage, this is considered to be acceptable and a visual break from the hard surfacing in the form of the reduced soft landscaped area would be maintained. Further details in regard to the treatment of the non-parking parts of the frontage and means of enclosure would be secured by condition.

6.5 Highway Safety

- 6.5.1 The scheme would provide nine off street parking spaces, which would satisfy the specifications in regard to parking provision within the development. Notwithstanding this, it is clear from the consultation responses that there is significant concern that the development does not include sufficient parking provision within the site and that this would lead to increased demand for on-street parking. Concerns are also expressed in regard to existing congestion along the road.
- 6.5.2 In regard to assessing the highway impacts of a proposal, paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 105 refers to the setting of local parking standards rather than the determination of

applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.

- 6.5.3 The site lies within close proximity to facilities at the West Point Centre, being 1km to the south west of the site and therefore within walking distance. The Y5, Indigo and Skylink bus routes run along Nottingham Road, which gives access to Beeston, Nottingham and Long Eaton, as well as beyond to Derby and to East Midlands Airport. The site is in close proximity (a five minute walk) to Attenborough Train Station which gives access to Nottingham, Beeston, Derby, Leicester and Newark as well as connections to other destinations. It is accepted that there will be additional parking demand from the development and this may lead to on-street parking along Attenborough Lane. However, it is considered that there would not be a severe highways impact and the future residents of the proposal would have the opportunity to use more sustainable transport options. Secure cycle storage is included as part of the proposal. Furthermore, it is considered that a pragmatic approach also needs to be taken in respect of developing sites within existing urban areas. Based on the above, it is considered that there would not be sufficient policy justification for refusing the application on transport or parking grounds.
- 6.5.4 There has been a suggestion made in the objections to the use of a Section 106 Agreement which could require the number of vehicle owning tenants to be limited. However, for the reasons set out in paragraph 6.5.3, it is considered that as the proposal would not result in a significant impact on highway safety, it would be unreasonable to require the applicant to enter into a Section 106 Obligation. Furthermore it would prove difficult to monitor or enforce since vehicles connected to the use could potentially be parked anywhere, either in the vicinity or the wider area.
- 6.5.5 It is understood that there have been concerns raised with the County Council in regard to the existing parking problems along Attenborough Lane. Discussions are on-going between the residents and the County Council.

6.6 Flood Risk

- 6.6.1 The site falls within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) has been submitted and includes information in respect of access points to be fitted with flood barriers / doors where appropriate; the provision of a Flood Evacuation Plan; and details on surface water drainage. The site is protected by the Left Bank Flood Defences. It is considered that, as the former use as a care home included bedrooms on the ground floor, and that those residents were likely to be less able to move independently in the event of a flood, the proposed conversion of the ground floor to two flats is acceptable and, subject to the mitigation measures being installed and a Flood Evacuation Plan being adopted, the proposed residents would have time to evacuate to a point of safety. Notwithstanding this, the Environment Agency object to the proposed conversion as it considers that ground floor flats are not appropriate in this location, due to flood risk to the occupants. However, they are unlikely to pursue the objection

should the Local Planning Authority recommend the granting of planning permission

6.7 Other Matters

- 6.7.1 Concerns have been raised in regard to the future upkeep of the building. As with any property, this would not be a material planning matter. However, should the land around the building become untidy, this can be investigated and, where appropriate, enforcement action taken.
- 6.7.2 In regard to fire risk, the property would need to comply with the relevant regulations e.g. building regulations, and any requirements in this regard would need to be incorporated as part of a building regulations application.
- 6.7.3 In regard to the preference for retention of the care home, or other suitable alternatives (separation and use as family houses, or demolition and rebuild as affordable homes / family houses), the planning authority is statutorily obliged to consider any planning application that is submitted. Should an application be submitted for an alternative scheme, this would be assessed separately. In regard to the retention of the care home, this is a matter for the operator of that facility. It is noted in the planning submission that the care home closed as a result of changing market expectations.
- 6.7.4 In regard to cooking smells, as this would be a residential property where a reasonable amount of domestic cooking smells would be expected, this would not be a material planning matter. However, should an unreasonable amount of smells be experienced, this can be reported as a nuisance to the Environmental Health team who will investigate.
- 6.7.5 The requirements for waste storage and collection have been provided by the Waste and Recycling Officer. An amended plan sets out the details of the storage and siting. Comments are awaited from the Waste and Recycling Officer.
- 6.7.6 In regard to drainage, specifically the increase in numbers of occupants and pressure on the system, this would be addressed as part of the building regulations application. In regard to surface water, whilst the development would see an increase in hard surfacing to the frontage, details of the surfacing materials and landscaping would be conditioned and would ensure that surface water would be controlled by appropriate surfacing, and run off to the landscaped areas.
- 6.7.7 The frontage to Attenborough Lane is mostly open and the concern in regard to hedgehogs and enclosures which could disrupt their habitat is noted. The frontage would remain open and accessible, however a condition in regard to the design and location of any boundary enclosures would be imposed on any decision notice.
- 6.7.8 Impact on house prices in the area is not a material planning consideration.

- 6.7.9 Whilst the care home has closed which would have resulted in a loss of jobs, this is not a material planning matter as the planning authority cannot control any closure or change to business requirements in regard to employment.
- 6.7.10 Pre-application discussions which take place before an application is submitted are informal and not binding on the Council as Local Planning Authority.
- 6.7.11 The matter of whether the applicant is based in the area or not is not a material planning consideration, and would not be a factor in determining whether the application is acceptable.
- 6.7.12 It is disputed that the council can be held accountable for any injury to pedestrians as a result of increased traffic and parking activity, should planning permission be granted for the scheme.

7. Conclusion

- 7.1 It is concluded that the proposal to convert the former care home to a house in multiple occupation comprising four flats, is acceptable and will not have an adverse effect on neighbouring amenity or highway safety. The proposal therefore accords with Policies E34, H4, H6, H7 and T11 of the Broxtowe Local Plan, with Policies 1, 2, 8, 10 and 14 of the Aligned Core Strategy, Policies 1, 15 and 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with Site Location Plan and Block Plan received by the Local Planning Authority on 7 January 2019; drawing numbered C/105 rev B, received by the Local Planning Authority on 29 January 2019; drawings numbered C100 rev E and C101 rev E received by the Local Planning Authority on 1 February 2019, and C200 rev F received by the Local Planning Authority on 26 March 2019.**
- 3. Prior to first occupation, a landscaping scheme shall first have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:**
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**
 - (b) numbers, types, sizes and positions of proposed trees and shrubs**
 - (c) proposed boundary treatments**
 - (d) proposed hard surfacing treatment**
 - (e) proposed lighting details**
 - (f) planting, seeding/turfing of other soft landscape areas**

The approved scheme shall be carried out strictly in accordance with the agreed details.

4. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
5. No part of the development hereby permitted shall be brought into use until the parking areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number C/200 Rev E. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.
6. No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority.
7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) prepared by IDOM, dated 29 March 2019, and the mitigation measures contained therein. The measures detailed in the FRA shall be retained for the lifetime of the development.

Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H4 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014)
4. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H4 of the Broxtowe Local Plan (2004).
5. To ensure adequate parking is available within the site in the interests of highway safety and amenity and in accordance with Policy T11 of the Broxtowe Local Plan (2004).
6. In the interests of highway safety and in accordance with Policy 10 of the Aligned Core Strategy.

7. To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 1 of the Broxtowe Aligned Core Strategy 2014.

Note to applicant

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. The applicant is advised to ensure that sound insulation to limit the transmission of noise between each property achieves the minimum requirements as contained in the current version of British Standard Approved Document E
3. Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There also should be no bonfires on site at any time.
4. The development makes it necessary to construct/improve the vehicular crossings over the footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:
<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Background papers

Application case file

