

Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	23/00836/FUL
LOCATION:	50 Derby Road Bramcote Nottinghamshire NG9 3FY
PROPOSAL:	Change of use from residential to care home

APPEAL DISMISSED

RECOMMENDATION BY OFFICER – REFUSAL

DELEGATED DECISION

REASONS FOR REFUSAL –

1. The applicant has not provided evidence of a need for the proposed use, which would result in the loss of general housing, for which a demonstrated need exists, contrary to Policy 2 and 8 of the Aligned Core Strategy (2014) and Policy 15 of the Part 2 Local Plan (2019).
2. The proposed intensive residential and institutional use in an area of predominantly general housing, would result in an adverse impact both on the living conditions of neighbouring properties and on the character of the wider area by virtue of disturbances relating to comings and goings of staff and occupiers. The proposal is as such contrary to Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019) where an unacceptable loss of amenity for the occupiers of neighbouring properties is not permitted.
3. The proposed development would result in an intensification of use of the vehicular access on to the A52 trunk road. The proposed vehicular access opens immediately onto a bus lane and forms a dual carriageway. It is considered that insufficient evidence to demonstrate a safe vehicular access with appropriate parking and turning facilities for the proposed development has been submitted. The proposed development is therefore contrary to Policy 17 of the Broxtowe Part 2 Local Plan (2019).

LEVEL OF DECISION: WRITTEN REPRESENTATIONS

The inspector considered the main issues to consider were:

- The effect of the proposal on highway safety.
- Whether the need for the proposal outweighs the loss of general housing needs.
- The effect of the proposal on the character and appearance of the surrounding area.
- The effect of the proposal on the living conditions of neighbouring occupants with regard to noise and disturbance.

REASONS

Highway Safety

The Inspector considered that traffic movements would be significantly greater than even a large active household. Moreover, without demonstrable evidence of swept paths and indicative turning manoeuvres the Inspector was not satisfied that it could operate effectively. Without substantive evidence as to the frequency of vehicle trips and the ability of vehicles to leave in a forward gear onto the busy dual carriageway of the A52, the Inspector concluded that the appeal scheme as presented would fail to provide safe and convenient access as required by Policy 17(i) of the Part 2 Local Plan 2019.

General Housing

The Inspector noted that the proposal would contribute to the overall housing mix and therefore the proposal complies with the overall spatial strategy and housing delivery as outlined in Policy 2 of the ACS as well as one of the overarching aims of Policy 8 of the ACS regarding accommodation for the elderly.

Character and appearance

The appeal scheme does not consist of any external changes. The character of the surrounding area is predominantly residential in nature and consequently the addition of a care home would likely result in an increase of coming and goings from the property above what would be reasonably expected for a residential dwelling. However, considering No 50 is located on the A52 the character of the surrounding area does include frequent vehicle movements. Consequently, the Inspector concluded that the addition of a care home would not have a significant adverse impact upon the character and appearance of the surrounding area.

Living Conditions

Whilst the appellant had not provided details regarding shift patterns, it is likely that the appeal scheme would likely result in an increase of coming and goings from the property due to care staff as well as visitors. However, the Inspector noted that considering the busy nature of Derby Road it had not been demonstrated that this would be noticeable and unreasonable. Consequently, the Inspector concluded that the proposal would not harm the living conditions of neighbouring properties with regard to noise and disturbance.

CONCLUSION

The Inspector has considered all the submitted evidence and on that basis the appeal is dismissed on highway safety grounds.