

Report of the Chief Executive

APPEAL DECISION

<b>APPLICATION NUMBER:</b>	<b>19/00012/FUL</b>
<b>LOCATION:</b>	<b>The Gables 169-171 Attenborough Lane, Attenborough, Nottinghamshire NG9 6AB</b>
<b>PROPOSAL:</b>	<b>Change of use from a nursing and residential care home (Class C2) to four houses of multiple occupation (Class C4)</b>

**APPEAL DISMISSED**

The application was refused at Planning Committee on 9 September 2019 as it was considered that the development would have a detrimental impact on neighbour amenity in terms of noise, smells and disturbance, due to the intensity of the development and to the siting of the bin store, and would also result in an unacceptable increase in vehicle movements due to the inadequacy of the parking layout.

The Inspector considered the three main issues to be the effect of the development on the living conditions of nearby residents, having regard to noise, disturbance and odour; the effect of the proposed development on the safety and convenience of highway users within the site and its vicinity; and whether the proposed development would be acceptable with regard to flood risk within the site and elsewhere.

The Inspector considered that the proposed development would not have an adverse effect on the living conditions of the occupants of nearby residential properties with regard to noise, disturbance or odour, given that the locality already experiences noise from the existing commercial and community uses around the site, that the proposed use would not result in a greater amount of noise and disturbance than existing households and that the bin storage arrangements would not result in a significant increase in noise, disturbance or odour compared with the existing lawful use of the site as a care home.

The Inspector also considered that the proposed development would not give rise to a significant increase in on-street parking or in hazardous vehicle movements or parking practices, and thus would not have an adverse effect on the safety or convenience of highway users within the site or the vicinity.

The Inspector did however consider that as the ground floor occupants would not have access to any habitable areas on the first floor, the proposal would therefore pose a risk to life and as such would not be acceptable with regard to flood risk within the site.

The Inspector therefore dismissed the appeal on the grounds of flood risk, with the proposal being considered to be contrary to Policy 1 of the Broxtowe Part 2 Local Plan.

An application for costs was submitted by the appellant to the Planning Inspectorate at the same time as the appeal. The Planning Inspector has refused the application for the award of costs, as the inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.



**Legend**

-  Site
-  Flood Zone 3
-  Flood Zone 2
-  Conservation Areas (Local Plan)