

Report of the Chief Executive

APPLICATION NUMBER:	20/00293/FUL
LOCATION:	The Gables 169 – 171 Attenborough Lane Attenborough
PROPOSAL:	Change of use from a nursing and residential care home (Class C2) to four Houses of Multiple Occupation (Class C4) (revised scheme)

The application is brought to the Committee at the request of Councillor Kerry.

1 Executive Summary

- 1.1 The application seeks planning permission to change the use of the building from a nursing and residential care home (Class C2) to four x four bedroom Houses of Multiple Occupation (Class C4) making a total of 16 bedrooms overall. This application is a revision to a previous planning application for a similar scheme which was refused planning permission in September 2019 on the grounds that due to the intensity of occupation and location of the bin store, the proposal would have a detrimental impact on neighbour amenity in terms of noise, smells and disturbance, and would result in an unacceptable increase in vehicle movements, due to the inadequacy of the parking layout. The proposed development was subsequently dismissed at appeal in March 2020 and for reference the appeal decision notice is attached as Appendix 2. Application reference 19/00012/FUL. The revised application sees the property divided vertically in order to provide four dwellings, as opposed to the previous application where the property was split horizontally and had two apartments to the ground and two to the first floor.
- 1.2 The site consists of a building that was originally two separate dwellings, which have been extended sideways at two storeys in height and now has the appearance of three dwellings connected by flat roof link extensions, to form one long mass of building. The site is located within Flood Zones 2 and 3.
- 1.3 The main issues relate to whether the principle of the change of use is acceptable; if there would be harm to the amenities of the occupiers of nearby property; whether the proposed use would result in harm to highway safety; and whether the development would result in an increased flood risk.
- 1.4 The benefits of the proposal are that it would return the building back to a residential use, would provide four units of additional housing in an existing urban area and would be in accordance with policies contained within the development plan. This is given significant weight. There would be a loss of a care home facility but this is outweighed by the benefits of the scheme.
- 1.5 The committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

Appendix 1

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). Each dwelling would contain four bedrooms, and each dwelling would have a vertical arrangement i.e. accommodation spread over two floors. For clarification, Use Class C4 restricts occupancy to between three and six unrelated persons per dwelling. This arrangement differs from the 2019 scheme, where that proposal was for four apartments of four bedrooms (two apartments to each floor).
- 1.2 Each dwelling would have shared communal facilities such as kitchen, dining and living rooms and these would be to the ground floor. Three of the dwellings would also have one bedroom on the ground floor (dwelling no. 3 has all four bedrooms to the first floor). A cycle storage area for each dwelling would be provided within the building. To the front, nine parking spaces would be provided, as well as an enclosed bin store area, which would be located to the south east, adjacent to the common boundary with 173 Attenborough Lane.
- 1.3 There would be no extensions proposed to the property. External alterations include the removal of a conservatory to the rear, the insertion of a window at first floor level in the rear elevation (to serve an en-suite for proposed house no. 1), blocking up of a door and a window at ground floor level in the rear elevation, replacement glazing to a window at ground floor, partial blocking up of a door and replacement with a window, and the insertion of a door to serve dwelling no. 3, all in the front 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 to the front, rear and sides. The building appears as three dwellings connected by two storey flat roof link extensions 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 and there is a timber fence along the common boundary. 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, separating the property from the application site. A 1.5m high close boarded timber fence is 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 its'

main side elevation, and 12m to the closest part of the single storey side extensions of that property. Whilst there are no habitable room windows in the facing elevation of no. 25 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 of this property 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 and is set at an angle to the highway such that the front elevation faces north. There is an access drive to the south east 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 a community building known as the Lucy and Vincent Brown Village Hall. This is a single storey detached building, set back from the road, and with parking to the frontage. To the north of 126 Attenborough Lane, 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 and to the north west of Crofton 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 surrounding the site is predominately residential and the site is at the outer edge of Attenborough Village, with the road continuing south east into the village itself.
- 2.6 The application site is within Flood Zones 2 and 3.

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).
- 19/00012/FUL Change of use from a nursing and residential care home (Class C2) to four houses of multiple occupation (Class C4)
- 3.2 All of the above planning applications, with the exception of the last entry (19/00012/FUL) relate to the use of the buildings as a care home.
- 3.3 In 2019, a planning application was submitted to change the use of the nursing home to four x four bedroom houses of multiple occupation (Class C4). Planning permission was refused by Planning Committee in September 2019 on the grounds that the proposed development would have had an unacceptable impact on neighbour amenity in terms of noise, smells and disturbance, and would result in an unacceptable increase in vehicle movements due to the inadequacy of the parking layout.
- 3.4 An appeal against the decision was submitted to the Planning Inspectorate and the appeal was dismissed on the grounds that the development failed to address measures to mitigate residual fluvial flood risk.
- 3.5 It should be noted that the Inspector concluded in their report that the 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; would not result in significant implications for the safety or convenience of nearby residents, businesses, users of the village hall, or other highway users as a result of on-street parking compared with the existing situation; or give rise to a significant increase 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. Therefore, the matters for which the planning application was refused were considered to be satisfactory to the Planning Inspectorate, with the only reason for the dismissal of the appeal being the effect of the development on flood risk.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand

4.2 **Part 2 Local Plan 2019:**

4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, design and amenity

4.3 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 12 – Achieving well-designed places.
- Section 14 – Meeting the challenge of climate change, flooding and coastal change.

5 Consultations

5.1 **County Council as Highway Authority:** No objections subject to pre-occupation conditions regarding provision of parking spaces and a dropped kerb, and surfacing and drainage of parking spaces.

5.2 **Environment Agency:** Objected to the original Flood Risk Assessment as it failed to consider how people would be kept safe from the identified flood hazards; how flooding events will affect people and property; and consider the correct climate change allowances. Additional information has been submitted and any comments from the Environment Agency in response to this will be reported at committee.

5.3 **Council's Environmental Health Officer:** No objections. Note to applicant in regard to noise insulation and to hours of building works.

5.4 **Council's Private Housing Officer:** No objections

5.5 **Council's Waste and Recycling Team:** Recommend communal bins (4 x 1100 litre bins and 3 x 140 litre bags for glass) and to be located within 10m of the public highway.

5.6 Eight properties either adjoining or opposite the site were notified of the application by the applicant. 156 residents were notified by the Council by email and two site notices were displayed. 177 letters of objection were received.

5.7 The objections to the scheme raise concerns in regard to:

Parking and Highway Safety

- Inadequate parking will generate congestion and access to / from the village, and inappropriate parking on street
- The parking survey document has been produced during the lockdown and therefore does not reflect the true parking / traffic issues along Attenborough Lane during normal times [planning officer note – the

document is dated 14.08.19 and was submitted as part of the previous planning application]

- The parking survey does not accurately reflect what the local situation is in regard to commuter parking, use of the village hall etc
- Longer term trends, in light of the corona virus pandemic, could see lower public transport use and greater use of private vehicles thereby exacerbating the existing on-street parking situation

Principle and use of the site

- Design and layout are not appropriate for Attenborough. The village needs starter homes not bedsits with shared facilities
- The provision of dustbins is insufficient for the number of proposed occupants and will result in litter and smells, possibly vermin infestations
- The site should be re-used for nursing / care home or restored to individual housing
- Out of keeping with other properties in the vicinity and with Attenborough Village, parts of which are a conservation area
- There is an opportunity to develop the site for eco-friendly homes and family homes would be of benefit to current residents
- There is an excess of HMOs and student accommodation in Nottingham and with the pandemic we will see a drop in students returning, certainly for this year
- The revised proposal does not address any of the villager's concerns
- The application states that the intention is for single room occupancy but there can be no guarantee of this and does not state a maximum number. Also no guarantee that the tenants will be professional occupants
- There is only a narrow area at the rear which would be a trap for residents in the event of a fire
- The planning application states that it is 4 HMO's when in fact it is one large HMO on a single site and is like a hostel
- The development will attract a transient population with no lasting benefit to the neighbourhood
- HMO's are better suited to areas of vibrancy with significant nightlife
- The application fails to accord with Policy 2 of the Aligned Core Strategy in that the proposal does not meet local needs
- Cooking facilities and dining facilities are inadequate and there is no laundry provision
- There is a w.c. which opens out on to a kitchen and dining area

Impact on residential amenity

- Loss of privacy for properties adjacent to the site which will result in disturbance to residents, given the number of people within such a small area
- Disagree with the findings of the noise assessment, as it does not take into account the intensity of the occupation and noise levels in the area in the evening

Other concerns

- No economic benefit to the village residents, and if the building is not maintained, will result in devaluation of surrounding property
- The 16 bedrooms could accommodate 32 adults, each of could have cars
- Pushing the application through during lockdown is inappropriate as many people will not have seen the site notice
- Surface flooding of the road is a problem
- Proposal does not address the reason for refusal in the appeal decision, in that there are still bedrooms on the ground floor which have no safe escape
- No details in regard to offset carbon footprint; use of renewable energy or assessment of occupant's health and wellbeing
- Safeguarding issues should be assessed as there are vulnerable groups using the village hall (e.g. pre-school) and the users should be protected, particularly if the building is to be let out to occupants that may pose a threat to children that use the facility
- Safe access to the front doors for occupiers into the dwellings as parking spaces take up the space
- Parking to the whole frontage would have an unacceptable visual impact, a front garden should be provided
- Concerns regarding security of the individual cycle storage areas
- Corona virus – impact on the living conditions of each dwelling, as residents would not be able to self-isolate should another outbreak or pandemic occur. This could pose a significant threat to the local community and this needs to be urgently considered by the council as a policy issue
- As the application has previously been refused why is it allowed to be submitted again
- The applicants are not local and as such will have no input into the local area, and are just trying to make a quick profit
- Don't see the relevance of the Travel Plan statement / the Travel Plan is not effectual i.e. not enforceable
- The property has not been maintained and appears overgrown
- Application still refers to the property being in Chilwell
- The cycle stores could be converted to bedrooms once planning permission is granted
- Concerned regarding structural integrity of the building, as there is a crack in the side elevation
- Existing drainage not sufficient to deal with the increased demand from the development
- Bats may be present in the roof space.

6 Assessment

- 6.1 The main issues for consideration relate to the principle of residential accommodation in this location, impact on the occupiers of neighbouring properties, impact on highway safety, the design and appearance of the proposed building, and impact on flood risk.

6.2 **Principle**

- 6.2.1 As the site has previously been in residential use, latterly as a care / nursing home, and as the character of the immediate 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 occupiers and 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. There is a National Cycle Network route close to the site, running along Long Lane, parallel to the railway line, which links Beeston to Long Eaton (and further afield in both directions), and also a shared cycle path along Bye Pass Road. 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. Within convenient walking distance of the site there are a range of employment uses, and it is also within walking distance of Attenborough Nature Reserve. 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 Flood Risk

- 6.3.1 The Planning Inspector, in the appeal decision report relating to 19/00012/FUL, dismissed the appeal on the grounds that the proposal failed to ensure the safety of the occupiers of the ground floor accommodation in the event of a flood, as they would not have access to a safe refuge within the building, nor did the proposal provide details of an acceptable flood evacuation route. Additionally, only limited details were given in regard to flood mitigation measures. The applicant has endeavoured to address these reasons by providing safe refuges at first floor level for each of the dwellings; providing flood barriers to external doors and to air bricks; providing a flood evacuation plan; and a commitment to signing up to the Environment Agency flood warning system.
- 6.3.2 The site falls within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) has been submitted which includes mitigation measures such as flood barriers and doors, where appropriate, and a Flood Evacuation Plan. The Environment Agency objected to the FRA as originally submitted, as it was considered that it failed to address how people would be kept safe from flood hazards; how flooding events would affect people and property; and did not have sufficient information in regard to flood resistance / resilience measures. Additional information in respect of the FRA was submitted and any response from the EA will be reported at committee.

6.4 Layout and Appearance

- 6.4.1 There are minimal alterations to the exterior of the property, these being, the removal of the conservatory to the rear, insertion of a window and blocking up of window and door to the rear elevation, insertion of a door and replacing a door with a window to the front elevation. The external alterations are considered to have a minimal impact on the appearance of the building, and in particular the removal of the conservatory to the rear is considered to be a positive benefit to the building, by providing an enhanced area of outdoor space for the occupiers of dwelling no. 1.
- 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 Amenity

- 6.5.1 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.
- 6.5.2 173 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 with the application site. 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.
- 6.5.3 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 serve an en-suite, and a condition to secure obscure glazing will be recommended. The fence height to the rear boundary would be raised to 1.8m which would further help to minimise any impact on privacy by

overlooking or the potential for noise and disturbance and it is noted that only one of the proposed dwellings would be able to utilise the rear outdoor space. 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 windows at first floor level in the rear elevation would all serve bedrooms or en-suites, and that the nature of the proposed use, as residential, is the same and as such, 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.

- 6.5.4 126 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.
- 6.5.5 In regard to the living standards of the future occupiers, no objections have been raised by the Private Sector Housing team. Single beds are shown within each room. Each dwelling would need to comply with any HMO licencing requirements in force in regard to space standards and facilities. It is considered that each bedroom has adequate access to natural light and to an outlook and as such would provide a satisfactory living environment, which would encourage longer term lets. A concern has been raised in regard to the possibility of converting the cycle stores to bedrooms. However, two of the cycle storage areas are too small to accommodate even a single bed. Whilst it would be possible to utilise the other two cycle stores as additional bedrooms, the maximum number of occupants cannot exceed 6 persons as the constraints of a Class C4 use would only allow for a maximum of six occupiers per C4 unit.
- 6.5.6 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 (albeit the temporary restrictions relating to the pandemic are noted). 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, and 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. Concerns have also been raised in regard to the siting of the waste storage area, in that this would result in noise and smells due to its' location adjacent to 173 Attenborough Lane. The Planning Inspector concluded in the appeal decision report for planning reference 19/00012/FUL that the development of four HMOs of four occupiers per dwelling would not result in an adverse effect on the living conditions of the occupants of nearby residential properties in regard to noise, disturbance or odour, compared to the existing lawful use of the site as a care home and that the bin storage arrangements would not result in a significant increase in the levels of noise, disturbance or odour compared to the lawful use

as a care home, subject to the provision of additional fencing between the bin store and the neighbouring property. Details of the materials to be used to enclose the bin store area will be secured by condition.

- 6.5.7 Issues such as crime, personal safety, and safeguarding of children have been raised due to concerns in regard to the category of tenancy that would occupy the property. 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 per dwelling. It would therefore be unreasonable and un-enforceable to condition the occupation 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 enforcement action.

6.6 Access and Highway Safety

- 6.6.1 The scheme would provide nine off-street parking spaces, which would satisfy the specifications in regard to parking provision within the development, and no objections have been raised by the Highway Authority. The Planning Inspector in the appeal decision report for 19/00012/FUL concluded that the parking requirements (9 spaces) calculated on the basis of 16 occupants are satisfactory and as such it is considered that the proposal would be satisfactory in this regard as there is no change to the number of bedrooms/occupants proposed. 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.
- 6.6.2 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.
- 6.6.3 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 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. There is easy access to cycle paths and routes in close proximity to the site. It is considered that there would not be a severe highways impact, which was the conclusion of the Planning Inspector in their findings contained in the appeal decision of

19/00012/FUL, 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.

- 6.6.4 In relation to the concerns in regard to the increase in traffic movements and impact on highway safety, the Planning Inspector concluded that the development of the site for four HMO dwellings would be unlikely to have additional implications for the safety of pedestrians or vehicles in the vicinity of the site, or for queues at the nearby signalised junction, compared to the existing situation (that is, the authorised use of the site as a care home). No objections have been raised by the Highway Authority in this regard, and the provision of the parking spaces prior to occupation and their retention thereafter will be secured by condition. It is considered there is not sufficient policy justification to refuse the application based on highway safety concerns.

6.7 Other Matters

- 6.7.1 It has been raised that in light of the current pandemic, a longer term trend could see less public transport use and greater reliance on the private vehicle, thus exacerbating on-street parking problems. However, it is considered that it could equally be the case that home-working and internet shopping could also reduce reliance on the private motor vehicle. Notwithstanding this, the application has been assessed on the known, 'normal' parking situation as this is considered to give a fair and balanced approach.
- 6.7.2 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 accordingly. 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.
- 6.7.3 The requirements for waste storage and collection have been provided by the Waste and Recycling Officer. An additional plan received sets out the details of the storage and siting and details of screening to enclose the bin storage area, adjacent to the common boundary to 173. It is considered that the proposal provides an adequate amount of storage for the development to meet the requirements of the Waste and Recycling team. The enclosure is proposed to be a 1.7m high timber structure, however details of materials will be secured by condition to ensure that the bin enclosure would have an acceptable appearance, given its location. It is considered that an enclosure of 1.7m high will adequately enclose and screen the bin storage area from the public highway and 173, and also assist in containing the waste generated by the use, minimising the potential for litter and vermin.

- 6.7.4 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.
- 6.7.5 A concern was raised in regard to the inadequacy of cooking and dining facilities, and to the lack of laundry provision. As noted in an earlier paragraph, each HMO would need to comply with any HMO licencing requirements in force in regard to the provision of adequate facilities. Notwithstanding this, it is clear from the floor plans as submitted that each flat would have a large communal area in which to cook, eat and do laundry, sufficient for the needs of the occupiers.
- 6.7.6 There is no w.c. opening up into a kitchen / dining area. In any case, this would not be a material planning matter.
- 6.7.7 Concerns have been raised in regard to the upkeep of the building, including a crack in the side elevation which has not been attended to. 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.
- 6.7.8 In regard to the economic benefit to the village, whilst this is not a material planning matter, it is considered that the proposal would see the re-use of a vacant property and therefore prevent the potential for the deterioration of the building, and the occupiers would be contributing to the local economy should they choose to use the local facilities such as shops, pubs and other uses.
- 6.7.9 The planning application has been well publicised, which is borne out by the large amount of responses received.
- 6.7.10 The property would need to comply with any building regulations in force at the time in regard to building materials and energy saving measures.
- 6.7.11 Each cycle store is located internally with no external access possible. The matter of security of cycles within the store would be a matter for the management of the facility and not a material planning matter.
- 6.7.12 Concerns have been raised in regard to the suitability of shared accommodation in a pandemic. Whilst this is noted, it is considered that the occupants of each house would need to consider themselves as one household and follow any advice given by the relevant authority as and when appropriate.
- 6.7.13 It is the right of the applicant to re-submit a planning proposal for a site and the Local Planning Authority have a duty to re-consider that application.
- 6.7.14 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.
- 6.7.15 The travel plan is a supplement to the planning application, and sets out the intentions of the management to encourage use of more sustainable modes of transport for the future occupiers.

- 6.7.16 The address of the property is referred to in some documents submitted as being in Chilwell. Whilst this may not be factually correct, the application and site location plan correctly identify the property which is the subject of the application.
- 6.7.17 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 into the landscaped areas.
- 6.7.18 Bats and their roosts are legally protected and as such, the applicant would need to ensure that adequate measures are taken to protect them, should they be found to be present.
- 6.7.19 Reference is made to an excess of HMO and student accommodation in Nottingham, and that with the pandemic there will be a drop in students returning, certainly for this year. Whilst the excess of accommodation may be the case for Nottingham, it is acknowledged that this site is not in the immediate vicinity of Nottingham, and in any case the proposed accommodation is not directly aimed at student occupation. Therefore, the need for accommodation in the area of Attenborough is not dependent on the availability of accommodation in Nottingham itself.

7 Planning Balance

- 7.1 The benefits of the proposal are that a vacant building, which is at risk of falling into disrepair, will be brought back in to residential use providing four units of additional housing in an existing urban area and would be in accordance with the policies contained within the development plan.
- 7.2 The negative impact is the loss of a care home facility.
- 7.3 On balance it is considered that the benefits outweigh the negative impact of the scheme.

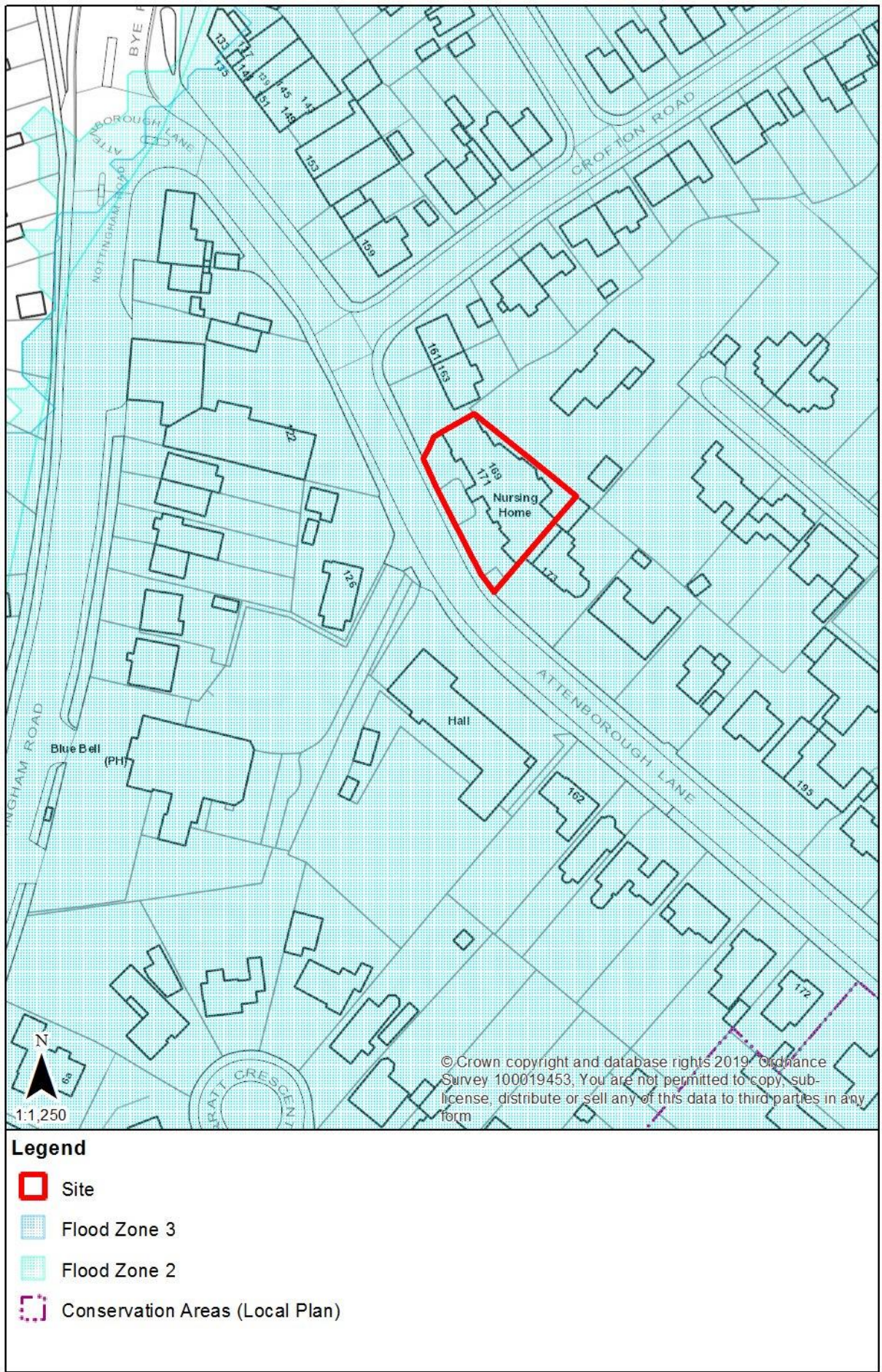
8 Conclusion

- 8.1 The proposed change of use is considered to be acceptable and will not be harmful to the residential amenity of the neighbouring properties, or to the character of the area. The use would not result in significant harm to highway safety or result in a significant increase to on-street parking in the immediate area. Subject to conditions in regard to flood risk, the proposal would not result in an increased risk of harm to people or property.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan and Block Plan (C/201 rev C) and drawings numbered C/200 rev H and C/101 rev O received by the Local Planning Authority on 04.05.20; C/100 rev Q, C/105 rev J and C/106 received by the Local Planning Authority on 30.06.20.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>Prior to first occupation, the bin store shall be constructed in accordance with material details which shall have first been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reasons: Limited 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 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
4.	<p>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:</p> <ul style="list-style-type: none"> (a) Proposed boundary treatments (b) Proposed hard surfacing treatment (c) Planting, seeding / turfing of other soft landscaping areas <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reasons: Limited 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 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>

5.	<p>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.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<p>No part of the development hereby permitted shall be brought into use until the parking areas have been surfaced in a bound material, with the parking bays clearly delineated in accordance with drawing number C/200 Rev H, and constructed with provision to prevent the unregulated discharge of surface water onto the public highway. 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.</p> <p><i>Reason: To ensure adequate parking is available within the site, in the interests of highway safety and amenity and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>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 specification.</p> <p><i>Reason: In the interests of highway safety and in accordance with Policy 10 of the Aligned Core Strategy (2014).</i></p>
8.	<p>The new window serving the en-suite to bedroom 4 of House 1 on the first floor rear elevation on drawing no. C/105 rev J shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT

1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
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



Photographs



Front elevation of the property



Relationship between site and 173 Attenborough Lane. Note the bins to the frontage which served the former care home



163 Attenborough Lane, to the left



Parking on Attenborough Lane – photo taken February 2019 during the daytime



Rear yard, showing garage within 173 Attenborough Lane, forming the south east boundary. Photo taken October 2018



View from first floor towards 25 Ireton Grove, to the north east. Photo taken October 2018

Plans (not to scale)



Proposed Ground Floor Plan

NOTES:
All works to be carried out in accordance with the current Building Regulations, British Standards and Codes of Practice and to the satisfaction of the Local Authority Building Inspector.

All dimensions are to be checked on site prior to the commencement of the works.
Any discrepancies to be reported prior to the commencement of the relevant works.
Do not scale off this drawing.

Actual Size.

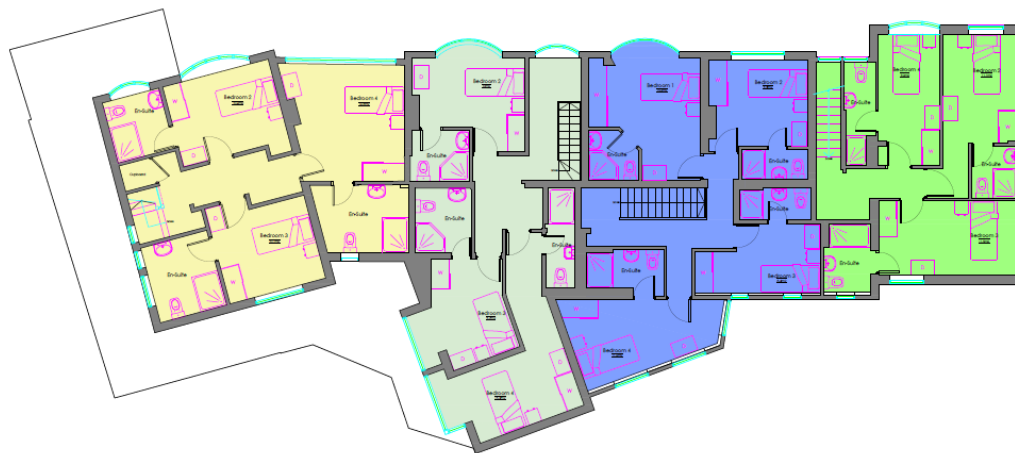


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PROJECT:	Care Home Conversion To HMO
ISSUED FOR:	Proposed ground floor plan
NAME:	Wilkins Living
DATE:	10/01/2018

169 Aftenborough Lane, Chilwell, Nottingham, NG9 6AB.		
DATE: 02	ISSUES: C / 100	REVISION: Q



Proposed First Floor Plan

NOTES:
All works to be carried out in accordance with the current Building Regulations, British Standards and Codes of Practice and to the satisfaction of the Local Authority Building Inspector.

All dimensions are to be checked on site prior to the commencement of the works.
Any discrepancies to be reported prior to the commencement of the relevant works.
Do not scale off this drawing.

Actual Size.



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PROJECT:	Care Home Conversion To HMO
DESIGNED BY:	Proposed first floor plan
CAD:	Wilkins Living

PROJECT ADDRESS:	169 Atherborough Lane, Chilwell, Nottingham, NG9 6AB.		
TRAFFIC: AT	DEVELOPER:	C / 101	
CHANGES:			