



Appeal Decision

Site visit made on 4 March 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Appeal Ref: APP/N3020/W/24/3354066

Ernehale Lodge Nursing Home, 82A Furlong Street, Arnold, Notts NG5 7BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Waseem Shafiq (Arnold Point Limited) against the decision of Gedling Borough Council.
- The application reference is 2024/0381.
- The development proposed is change of use from nursing home to 19 no. dwellings with rear, side and roof extensions and facade alterations.

Decision

1. The appeal is allowed and planning permission is granted for change of use from nursing home to 19 no. dwellings with rear, side and roof extensions and facade alterations, at Ernehale Lodge Nursing Home, 82A Furlong Street, Arnold, Notts NG5 7BP, in accordance with the terms of the application, Ref 2024/0381, and subject to the conditions in the attached schedule.

Application for costs

2. An application for an award of costs has been made by Mr Waseem Shafiq (Arnold Point Limited) against Gedling Borough Council. This is the subject of a separate decision.

Preliminary Matter

3. On 12 December 2024, an updated National Planning Policy Framework (the Framework) was published, replacing the version from December 2023. I have had regard to this as an important material consideration.

Main Issue

4. The effect of the proposal on parking demand and highway safety in the area.

Reasons

5. The appeal relates to a vacant former residential nursing home located at the corner of James Street and Furlong Street. On James Street, terraced dwellings stand directly at the back of the pavement and on-street parking occurs on both sides of the street along its length.
6. Furlong Street is a short dead end, with a mix of terraced dwellings set back behind front gardens and the rear elevations of a number of dwellings adjacent to the appeal site and standing directly next to the carriageway, which is narrow and roughly surfaced. Some ad hoc on-street parking takes place between driveways, and I saw parking occurring within the turning area at the end of the cul-de-sac.

I also saw that Furlong Street and Chapel Lane are used by pedestrians travelling to and from Stenhouse Medical Centre and the shops and facilities on High Street.

7. The proposal seeks to convert the existing building to 19 self-contained flats. In line with the Council's Parking SPD¹, a total of 16 parking spaces are required to serve the development. The nursing home previously had 8 off-street parking spaces in a rear courtyard. 13 spaces are proposed in a new parking layout.
8. Notwithstanding this shortfall against the SPD requirement, the application was recommended for approval by planning officers, but was refused following a meeting of the Council's planning committee. The Council's position is that the area suffers high levels of on-street parking, that significant weight was given to the requirements of the Parking SPD and that the shortfall in parking provision was not justified. A considerable number of representations from interested parties have also raised concern over parking pressure in the immediate area, with the residential demand stated to be exacerbated by people parking on these streets when visiting the town centre and the medical centre.
9. The SPD is an important material consideration, but it is ultimately guidance. Indeed, Paragraph 4.11 recognises that, in certain circumstances, a departure from the requirements may be appropriate. Policy LPD57 of the Local Planning Document Part 2 Local Plan (the P2LP) also provides flexibility for the level of parking provision to be agreed with the local planning authority.
10. The appellant has submitted a Transport Technical Note which sets out that, within Gedling, rates of vehicle ownership of one or more vehicles for people residing in one-bedroom flats is some 36%, slightly below the national figure of 38%. The equivalent rates for those living in two-bedroom flats are 62% in Gedling and 58% nationally. Further evidence from Nottinghamshire County Council (NCC) shows lower ownership rates of between 0 and 0.5 cars per household for one and two bed flats in Gedling. The proposed level of parking provision would equate to 68% of the units having access to a parking space and 81% of the SPD requirement. In this respect, and given that 13 of the 19 units would be studio or one-bedroom units, the level of parking on-site would be consistent with, or above, average levels of car ownership locally, even though there would be a modest shortfall of three spaces against the SPD standard. Although I saw plenty of parking demand locally, I have no evidence offering a different analysis in respect of car ownership or showing that parking stress in the area has reached a particular tipping point.
11. Moreover, the site is located in a highly sustainable location within walking distance of the centre of Arnold along High Street and surrounding streets where a wide range of shops, facilities and public transport options exist. Such a location would accord strongly with the aims of the Framework to focus significant development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The provision of secure cycle parking would add to the choice for residents in this respect.
12. I appreciate the strong concerns raised about current parking pressure in the area. I have noted the points raised about indiscriminate parking and access for refuse and emergency vehicles. However, it is not required of an applicant for planning permission to resolve existing problems, but to ensure the impact of the proposed development is addressed and does not contribute to a worsening of the situation.

¹ Parking Provision for Residential and Non-Residential Developments: Supplementary Planning Document (SPD), February 2022

On the evidence before me, I am satisfied that the level of off-street parking proposed would be sufficient to accommodate the expected demand arising from the development, having regard to the size of the units and the highly accessible location of the site, and that there would not be a material increase in demand for on-street parking on James Street or Furlong Street. In addition, no concerns have been raised by consultees in respect of the suitability of access for refuse or emergency vehicles and whilst I appreciate the scenario described where an ambulance had to double park on James Street, I do not have sufficient evidence that the proposal would increase the risk of this happening.

13. Beyond this, the appellant's evidence sets out that the former nursing home would have generated a total of 4 two-way vehicular and 2 pedestrian movements in the AM peak and 2 and 1 movements respectively in the PM peak. By comparison, the expected trip generations for 19 dwellings is stated to be 5 vehicular and 3 pedestrian trips in the AM peak and 6 vehicular and 3 pedestrian trips in the PM. This would represent a modest increase in vehicular traffic and the actual number of trips would remain low. Indeed, the greater increase would be expected in pedestrian trips, consistent with the highly accessible location of the site.
14. Traffic speeds along the two roads are also naturally low due to the narrow width of the carriageway and the 90 degree bend in the road at the appeal site. NCC has assessed the proposed access point to the car park and raised no concerns in respect of highway safety. I saw that the view to the left when emerging from the site is restricted by the corner of the dwelling at 82 Furlong Street; however, the low frequency and speed of traffic expected from this direction is such that the risk of conflict between vehicles and/or pedestrians would be low.
15. Reference has been made by the appellant to several developments in the Council's area with an under-provision of parking spaces which have either been approved or to which NCC raised no objection as the local highway authority. I have limited details of these other schemes to compare them to the appeal scheme. The exception is a nearby development at Baptist Church, Cross Street, where the Council permitted a 23 flat scheme with no off-street parking, and to which the Council has responded in its evidence.
16. The Council has sought to differentiate the Baptist Church scheme on the basis that the physical layout of that site prevented the creation of a safe vehicular access. However, the Council gave weight to the highly sustainable location of that site and the existence of parking restrictions in the area, ultimately finding the proposal acceptable despite the significant shortfall in off-street parking against its SPD standard. I have considered the appeal scheme on its own merits and found the level of parking provision appropriate. However, it is notable that the schemes are comparable in terms of proximity to local services and public transport options, but that the proposal before me, in providing off-street parking at a level matching rates of car ownership locally, provides a more compliant overall approach to parking than the Council has permitted nearby.
17. For these reasons, I conclude that the proposal would provide sufficient off-street parking to meet the expected demand from future residents, and would not result in a harmful increase in on-street parking pressure, traffic or pose a demonstrable risk to the safe operation of the highway. Therefore, I find no conflict with Policies 57 and 61 of the P2LP, which permit proposals which meet the requirement for parking provision, or as otherwise agreed by the local planning authority, and

which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.

Other Matters

18. The Council did not refuse the application for any other reason. Concerns are raised by interested parties over the principle of developing the site for flats, as opposed to family dwellings, office accommodation or new adult care services. However, the evidence before me does not indicate a policy presumption in favour of developing the site for uses other than that proposed, nor that there is a shortfall in provision of other forms of housing, office space or adult care services within the Council's area. In any event, I have no alternative scheme before me and must determine the proposal as submitted.
19. The proposal would provide 19 new residential units in a sustainable location, and would make productive use of an existing building and brownfield site. In these respects, the proposal would accord strongly with the Framework's aims to boost the supply of housing nationally, to promote sustainable transport and to promote an effective use of land. These factors weigh strongly in the proposal's favour.
20. At 158 units per hectare, the development would be high density, but above the minimum 30 dwellings per hectare required under Policy LPD 33. The supporting text to the policy states: *Where higher densities are proposed and will not reflect local characteristics, a balanced decision will be required taking account of the need for higher densities in order to deliver wider public benefits (e.g. [...] to deliver a return sufficient to make the redevelopment of a brownfield site viable).*" Here, a large building already exists for redevelopment, the site is in a sustainable location and the dwellings would have adequate internal space. The extended building would sit comfortably within its plot and would not appear overdeveloped. Given these factors, the density of development would be acceptable.
21. The Council assessed the proposal in terms of its effect on local infrastructure and whether mitigation is required. The proposal falls below the threshold for contributions towards education and health care provision, and NCC has not sought contributions towards bus stop improvements or libraries. The proposal would trigger a requirement to provide affordable housing in the form of two First Homes and two Affordable Rent units. However, the appellant has submitted a viability assessment setting out that the scheme would not be viable if the required affordable housing units were to be provided. The Council has sought independent analysis of the viability case which has agreed with the appellant's conclusions, and indeed stated that the position is not a marginal one. I have no compelling evidence to contradict these findings. Consequently, the absence of affordable housing provision does not weigh against the proposal in these circumstances.
22. Design changes include hip-to-gable replacement of the roof to the front section of the building, an extension to the rear wing, the addition of a dormer structure to the roof of the rear wing, replacement of windows and doors, creation of a new entrance to the building from the interior car park, removal of the existing front entrance and new boundary fencing. The changes, though adding size to the building, would maintain its general scale relative to the surrounding townscape. The additional massing at the rear would not significantly alter the shape of the building and would be subject to limited public view. I concur with the Council that the proposal would preserve the character and appearance of the area.

23. Several representations have raised concern in respect of potential noise and disturbance from the proposed use, with many referring to the potential for the flats to accommodate up to 50 residents, significantly more than the 29 occupants proposed under a previous application for a change of use to a house in multiple occupation (HMO) that was refused due to such concerns. The proposed residential use would be appropriate in principle in what is already a predominantly residential area. Use as self-contained flats may generate a greater level of activity compared to use as a nursing home, but I have no evidence to suggest this would reach harmful levels as, for the most part, people's everyday domestic activity would not generate noticeable noise. Importantly, there would not be a significant degree of communal living as in an HMO. The fact that occupiers would either own their flats or rent them on a longer-term basis, means that an element of self-policing would exist within the building with respect to noise, where it may occur. Moreover, there are no large communal spaces proposed, such as gardens or external terraces, where groups could congregate and make noise. As such, I am satisfied that the proposal would not cause harm to the living conditions of neighbouring occupants through noise and disturbance.
24. In other respects, the location and orientation of windows in the building would not result in harmful overlooking of neighbouring dwellings. The additional massing would be sufficiently set away from nearby properties so as not to lead to a harmful overbearing effect or sense of enclosure for neighbours.
25. Concern is also raised in respect of anti-social behaviour. I understand these concerns relate to activity, including fly-tipping, taking place since the nursing home was vacated. Such issues would be addressed by the site being brought back into active use. There is no evidence to suggest future occupants of the development would themselves cause anti-social behaviour.
26. There is also no evidence to support concerns from interested parties that the proposal would adversely affect local businesses. Rather, additional residents are more likely to add to the economic activity in the area through spending in shops.
27. I have no firm evidence to suggest that the Council did not carry out appropriate public consultation. In any event, interested parties have had the opportunity to make further representations at the appeal stage, which I have considered.
28. I have had regard to other matters considered by the Council, including flood risk, waste storage, biodiversity net gain and archaeology, and other matters raised in public representations, but have not identified any material harms in these respects that would weigh against the proposal in the planning balance, subject where appropriate to necessary planning conditions.

Conditions

29. In addition to the statutory time limit condition [1], a condition specifying the approved plans is necessary to provide certainty [2]. Details of external facing materials [3], boundary treatments [4] and hard and soft landscaping works [5] are all required to ensure a satisfactory appearance to the development.
30. It is necessary to require details of how surface water drainage would be managed on site, to address potential flood risk [6]. This condition is pre-commencement as it may involve underground works which must be undertaken at the outset of development. To protect neighbours' living conditions, it is necessary to limit hours

of construction on site [7]. Conditions are further required to ensure the parking areas [8] and cycle storage [9] are laid out in accordance with the plans and prior to occupation of the site, in the interest of highway safety and promoting sustainable transport. A Construction Emission Management Plan is also required to minimise airborne emissions, to protect air quality [10].

31. A Biodiversity Gain Plan is required to deliver enhancements to ecology in line with the aspirations of the Framework [11]. Connected to this, a Habitat Management and Monitoring Plan [12] is required to be prepared to ensure the gains achieved in biodiversity are maintained in the long term.

Conclusion

32. For the reasons set out, I conclude that the proposal accords with the development plan, taken as a whole, and there are no material considerations which indicate that permission should nevertheless be withheld. The appeal should therefore be allowed.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawing numbers: Location Plan 1:1250; Location Plan 1:500; 2584(02)001 (Existing Block Plan); Elevations as Existing (dated August 31, 2023); Front Elevation as Existing (dated August 31, 2023); Ground Floor as Existing (dated August 31, 2023); First Floor as Existing (dated August 31, 2023); AR-AL-001 Rev B (Proposed Floor Plans); AR-AL-002 Rev C (Proposed Site Layout); AR-AL-003 Rev C (Proposed Elevations).
- 3) No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 4) No unit shall be occupied as a C3 residential use until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries, cycle storage area and bin storage area, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the buildings is first occupied as a C3 residential use.
- 5) No above ground construction works until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
 - an implementation and phasing programme;
 - hard surfacing materials.

The scheme as approved shall be carried prior to the first occupation of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.

- 6) No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy FRA&DS_001, Aug 2024, Lando Consulting, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance

with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
 - Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - No surcharge shown in a 1 in 1 year.
 - No flooding shown in a 1 in 30 year.
 - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
 - Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of approval for drainage infrastructure crossing third party land where applicable.
 - Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
 - Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.
- 7) Construction works shall only take place within the following hours: 0800-1800 Monday to Friday and 0800-1300 on Saturdays. No construction works shall be undertaken on Sundays or Bank Holidays.
- 8) No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number AR-AL-002 Rev C. The parking and turning 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, turning, and loading and unloading of vehicles.
- 9) No part of the development hereby permitted shall be brought into use until the cycle parking store as indicated on drawing AR-AL-002 Rev C, has been

provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

- 10) Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.
 - 11) Development may not be begun unless a biodiversity gain plan has been submitted to and approved in writing by the planning authority. The Biodiversity Gain Plan shall be prepared in accordance with the Proposed Site Layout Plan (Drawing AR-AL-002 Rev C), Letter from Estrada Ecology dated 10th July 2024 and BNG Metric, received by the Local Planning Authority 12th July 2024. Development shall thereafter be carried out in accordance with the agreed details and timings of approved biodiversity gain plan.
 - 12) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:
 - (a) a non-technical summary;
 - (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,has been submitted to, and approved in writing by, the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
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