

REPORT OF CHIEF PLANNER

Gate House , 73 Hounds Gate

1 SUMMARY

Application No: 17/00082/PFUL3 for planning permission

Application by: Mr Ian McHugh on behalf of Mr A Jacobs, Framework Housing Association

Proposal: Change of Use from Council Offices (Sui-generis) to a Service Hub Providing Adult Support Services (Sui-generis)

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 10th March 2017

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Chief Planner.

3 BACKGROUND

3.1 The application site is a 2/3 storey split level modern office building which is situated on the western edge of the City Centre between Maid Marian Way and Nottingham Castle. The main entrance to the building is on Hounds Gate, although it has a vehicular access on Castle Gate. 12 car parking spaces are allocated to 73 Hounds Gate. The vehicular access and car park is shared with a number of other premises including World Service, the occupants of Chartwell House and 67 to 69 Hounds Gate.

3.2 The property is currently vacant, but was last used as a council office by the Fostering and Adoption Service. The surrounding area comprises a mix of commercial offices, bars, restaurants and residential dwellings. The site is located within the Castle Conservation Area.

4 DETAILS OF THE PROPOSAL

4.1 Planning permission is sought for a change of use from council offices to a service hub providing a range of adult support services. The building would be used to bring together the services listed below to form a City Wellbeing Hub, operated by

Framework to promote better co-ordination between the services as they are currently delivered from a number of different locations around the City Centre:

- Nottingham Recovery Network - provides a single point of advice, support and treatment to people in Nottingham who use drugs and alcohol in a problematic way. People can refer themselves to the service or can be referred by a third party such as a doctor or support worker. Staff would support clients through appropriate treatment and offer opportunities to learn and develop. (The Service is currently run from 3 different venues - Kent Street, Broad Street and Upper Parliament Street)
- Wellness in Mind – This service offers support to anyone in Nottingham experiencing issues with their mental wellbeing; it also offers support to family, friends and carers. (Currently run from Clarendon Street)
- EVE – DWP Work Programme – The service provides a range of initiatives to support unemployed individuals into employment and to gain greater independence. (Currently run from Clarendon Street)
- Opportunity Nottingham – Provides intensive support to those in need through provision of their own Personal Development Coordinator. (Currently run from Clarendon Street)
- Clean Slate – Provides advice, information and treatment for alcohol and drug users who have also been involved in crime. (Currently run from Castle Gate)
- City Council's Housing Aid Service – Provision of advice in relation to housing, welfare benefits and debt. (Currently run from Lower Parliament Street)

4.2 It is not anticipated that there would be any evolution in the services provided as part of the Hub. Every proposed user of the building with the exception of the Council's Housing Aid Service is either a Framework service, or a consortium service in which Framework is either a lead partner or a significant partner. Some of the services have been commissioned for a five year period only, and the contracts let do stipulate what the service provision must incorporate. Framework has indicated that they are anticipating taking on a lease of the building for 10 years.

4.3 The majority of people accessing the Hub would be doing so after having been referred by a third party such as a doctor or support worker. A range of services would be provided which would offer advice and support in relation to accessing housing, dealing with debt and also enabling people to gain employment, as well as providing psychological supported treatment (which would also incorporate dispensing medication and writing prescriptions) for drugs and alcohol misuse. Not everyone accessing the services would need treatment for drugs and alcohol misuse, and the drug treatment aspect could be for misuse of prescription drugs as well as illegal ones. Those taking up the services would be making their first steps to recovery from their situation or would be already well on their way to recovery.

4.4 Staff would be able to access the building between 7:00 am and 7:30 pm Monday to Friday and between 9:00 am to 12:30pm on Saturday. Initially it was indicated within the planning documentation that the building would only be open to clients/members of the public between 8:30 am and 5:00 pm. These times have been revised, by the applicant to 9:00 am to 5:00 pm Monday, Tuesday, Thursday and Friday, 9:00 am to 7:00 pm Wednesday and 9:30 am to 12:00 pm on a Saturday.

- 4.5 Public access to the building would be from the main entrance doors on Hounds Gate. The Castle Gate entrance would only be used by those accessing the car park and as an emergency exit. The car park would only be available to clients on a pre-arranged basis. Given the City Centre location which has good public transport facilities it is highly likely that staff and clients would use public transport to access the services.
- 4.6 Initially it was estimated that around 100 clients would visit the building on a daily basis during public opening times. However upon further analysis of the services intended to be located at the premises it is estimated that 135 clients per day would be more in line with current uptake for them, but client numbers could vary according to demand. The majority of clients would attend by appointment, with only about 3 to 5 people arriving to access services without one. It has been indicated that based on current usage rates that the number of clients attending for assessment would be approximately 10 on a weekday and 1 on a Saturday; for drug collection approximately 5-6 clients per day (principally anti-craving medication); and for therapeutic services approximately 60 clients per weekday and 20 on a Saturday.
- 4.7 The principal use of the building would be as staff offices. A total of 160 staff would be based at the building of which only 10-12% would be involved in providing face to face clinical or therapeutic services to clients. The net internal area of the building is 1,913 square metres of which only 3% would be used for clinical consultations and the dispensing of medicine and 7% used to provide psychological therapy treatments.
- 4.8 Framework has indicated that there would be need to dispense some drugs on site such as Vitamin B and drugs used to treat withdrawal symptoms and to assist with cravings. The provision of this aspect of the Hub would be registered with and audited by the Care Quality Commission, which would also cover storage of such medication.
- 4.9 A shared reception area would be provided, which would be manned during opening hours and a waiting area would be provided to clients and any other visitors. Entrances would be monitored by CCTV cameras during opening hours.
- 4.10 The existing use of the premises as a council office is sui-generis i.e. one that does not fall within any of the defined use classes. The provision of a service hub providing adult support services would also be a sui-generis use; to change to or from a sui-generis use requires permission regardless of the existing and proposed uses, and whether or not they are of a similar nature

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

66 to 72, 74 and 67 to 69 Hounds Gate

United Services Club Castle Gate

53 to 59 Castle Gate

5 to 7 Castle Road

As the site is located within a Conservation Area and also involves the change of use of a building of more than 1000 sqm, the application has also been advertised in the local press and with a site notice. The expiry date for making a representation was the 8th February 2017.

As a result of the publicity 10 letters of objection have been received from both residents and local businesses. A local resident also requested a meeting in relation to the proposal which was attended by 8 local residents. The objections received raise the following matters:

- This area of the City is a centre for tourism, and is set to become increasingly so. The area is now also the location for high class housing and some of the City's most respectable bars. Although the project is to be commended its location is unsuitable.
- The area in which the building is located is a Conservation Area; the negative impact on this area of historical importance cannot be understated. The area has had notable investment from the City, heritage and industry.

The proposal has not made an assessment of the full impact on commercial premises, residents or whether the remediation services offered are effective; it offers no economic benefit. The proposal would draw people to the area which would damage its perception and interest, deterring tourists and visitors.

Whilst Framework Services do exist around the city currently, the locations are not residential or within Conservation Areas. The co-location of services into one hub means that all anti-social issues currently experienced across those sites would be focused and amplified in one area. Framework provides services to homeless people and those with drug addictions, consolidating these into one area will bring begging, street sleeping and drug use to it. The services current location on Friar Lane has become a hot spot for crime and anti-social behaviour.

The area to the back of Gate House building possesses dark areas where people can loiter, hide, sleep and consume drugs. The area surrounding the site is poorly lit with several yards and alleyways, which makes congregation and loitering more likely. The information provided as part of the application itself indicates that loitering, aggression and anti-social behaviour is likely to be an issue, but visitor management provision at the premises is unsubstantiated and unclear.

With the planned footfall of distressed individuals seeking the services or recently receiving drugs, this poses a significant threat to safety and could result in Hounds Gate becoming a user alleyway. The proposal will significantly increase the risk of burglary or assault. The storage of drugs on the premises would make it a high target for burglary and it could be easily envisaged that 24/7 hour security would be required. For commercial properties the impact could increase insurance premiums and also result in the fall of property values. The use may also result in loss of Council Tax/Business Rates and reduce investment in the area. This kind of facility only ever treats the symptom and not the disease; if such facilities are

effective then these kinds of facilities should be reducing rather than increasing.

- As a result of the premises currently being vacant there are regular congregations of individuals on its fire escapes which intimidates visitors and residents.
- The site is located within metres of multiple drinking establishments, bringing vulnerable people to the area does not make sense. The proposal is at odds with environmental health considerations.
- The proposal would increase the amount of traffic within the area, both on foot and by vehicle. The use would generate a large amount of waste, requiring daily collections where the noise and disturbance would impact upon local residents. There would also be noise and disturbance as a result of loitering, aggression and antisocial behaviour. The proposed opening hours would exacerbate such issues.
- It is difficult to see how the shared car parking area off Castle Gate can be adequately secured and managed, given that at least two other businesses share the area.
- There are currently problems associated with car parking in the area, which would be exacerbated by the proposal.
- Concern over the level of detail provided as part of the application is poor, in terms of defining need and how the services would be operated.
- No other locations have been considered for the proposed use.
- There is a potential conflict of interest as the services are being commissioned by the Council.
- Concern over the level of publicity given in relation to the planning application.

Additional consultation letters sent to:

Environmental Health and Safer Places: There are no proposals for plant, equipment or air handling units. The applicant has proposed certain operating times for staff and the public and as such it is recommended that these are incorporated into any consent.

Conservation Officer: This application proposes the change of use of a building within the Castle Conservation Area from council offices to an adult support services hub. The proposed use is located within a modern office building which is accessed from Hounds Gate, a pedestrianized route running between Maid Marian Way and Castle Road. The scheme proposes no notable exterior changes to the building and will therefore have a neutral impact on the special character and appearance of the Conservation Area street scene. The application would therefore comply with the requirements of policy BE12 of the Nottingham Local Plan and section 12 of the NPPF.

Police Architectural Liaison: Whilst such service centres or hubs for persons suffering personal or social problems can give way to fear of crime or disorder in reality there are very few reported crimes or disorder incidents. The reported crime and disorder incidents for the existing premises mentioned within the planning application for the last 12 month period 6/2/16 to 6/2/17 have been examined which indicate the following:

- Nottingham Recovery Network:

Kent Street - 1 reported Anti-Social Behaviour (ASB) incident/ no drugs incident reported

Broad Street - No reported ASB or drugs incident reported

Upper Parliament Street - 2 reported ASB incidents/ no drugs incident reported (2 minor low level incidents)

- Wellness in Mind/EVE – DWP Work Programme and Opportunity Nottingham:

Clarendon Street – 1 reported ASB incident/ no drugs incident reported

- Clean Slate:

Castle Gate - No reported ASB or drugs incident reported

- City Council's Housing Aid Service:

Lower Parliament Street – 19 ASB incidents reported/1 drug incident reported (the majority of the ASB reported incidents were from staff members asking for Police assistance to remove persons who were refusing to leave the premises due to housing aid staff being unable to help them

There were no reported incidents of begging, street sleeping or drug use associated with any of the premises.

The above information is based on Police recorded incidents, reported by staff or members of the public. It is acknowledged that if the services had been operating at one location then during the above timeframe there would have been 23 reported incidents of ASB and 1 drugs incident, however it is considered that this number of reported incidents is low and would not cause concerns for the Police.

The Police were also requested to provide data on a Framework service operated from Friar Lane as result of queries being raised by local residents. The Police have advised that there have been no reported ASB or drug related incidents. The only reported incident was domestic. The reported crime and disorder data does not show the facility to be in a crime hot spot.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF) (March 2012):

The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. In regard to this application the following sections of the NPPF are also of relevance: 1) Building a strong, competitive economy; 2) Ensuring

the vitality of town centres; 8) Promoting healthy communities and 12) Conserving and enhancing the historic environment

Nottingham Local Plan (NLP) (November 2005):

BE12 - Development in Conservation Areas

Aligned Core Strategy (ACS) (September 2014):

Policy 5 – Nottingham City Centre

Policy 10 – Design and Enhancing Local Identity

Policy 11 – The Historic Environment

Policy 12 – Local Services and Healthy Life Styles

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Issue (i) Principle of Development (Policy 5 and 12 of the ACS and Promoting Healthy Communities paragraph 70 of the NPPF)

- 7.1 The building's current use as a council office has no restrictions in terms of its operating hours and the level of activity associated with it, and as such the building could be utilised to provide a range of different council services without requiring planning permission. The council services that could be provided at the premises are capable of having similar staffing and visitor levels to those proposed as part of the City Wellbeing Hub. In addition some of the services that would be provided as part of the Hub could be services provided by a council, Housing Aid for example. The previous use of the building therefore shares a number of similar characteristics to the proposed use, which do need to be taken into account when considering this application.
- 7.2 Policy 5 seeks to promote Nottingham City Centre as the region's principal shopping, leisure and cultural destination. Representations from local residents and businesses express the view that the application would conflict with Policy 5 of the ACS; further consideration is given to this under issue (ii) below.
- 7.3 The City Wellbeing Hub forms a key part of Framework's commitments to a number of commissioning groups such as the City Council Commissioner, NHS, Department of Works and Pensions and the City Crime and Drug Partnership. Local Authorities and Clinical Commissioning Groups have a duty to carry out joint strategic needs assessments of health and wellbeing in their area so that can put in place services that meet those needs. The provision of the Hub would support the aims of paragraph 70 of the NPPF in terms of delivering services the community needs. Policy 12 also seeks to ensure that such services are located within the City Centre and where possible encourages them to be located alongside or shared with other services. Furthermore the policy promotes integrated agency working in order to make more efficient use of resources.

- 7.4 As the proposal accords with Policy 12 of the ACS and paragraph 70 of the NPPF, and the use shares similar characteristics to the previous council office use, the proposal is considered to be acceptable in principle.

Issue (ii) Impact on the City Centre (Policies 5 and 10 of the ACS, and paragraphs 19 (Building Strong, Competitive Economy) and 23 of the NPPF (Ensuring the Vitality of Town Centres))

- 7.5 The objections received from local residents and businesses express concerns that the negative perception created by the proposal may lead to a reduction in investment in the area and affect the local economy and the vitality of the City Centre. This is based on a perception that the proposal would cause an increase in crime and anti-social behaviour in the area, that would raise public safety concerns.
- 7.6 The Police have provided details of the number of reported incidents at the existing premises of the services that would be operated from the Hub. The Police have commented that the number of incidents at these premises is very low. Even co-locating the services would not on the basis of this evidence cause the Police to have public safety concerns. It is noted that the service that currently experiences the most number of reported incidents is the Council's Housing Aid Service; as this is a Council run service it could occupy the premises without planning permission. The Police have also indicated that none of the existing locations for the services are known for street sleeping, begging or loitering.
- 7.7 On the basis of the information provided by the Police it is not felt that the proposal would result in crime and anti-social behaviour that would raise public safety concerns. A condition could be used to restrict the permission to the services currently proposed. Overall it is not considered that the proposal would conflict with promoting the area as a cultural and tourist destination or affect the vitality of the City Centre. The proposal therefore complies with Policies 5 and 10 of the ACS and paragraphs 19 and 23 of the NPPF.

Issue (iii) Residential Amenity (Policy 10 of the ACS)

- 7.8 The current authorised use of the building is as a council office, where the level of activity, noise and disturbance associated with such a use would be very similar to that of the proposed use. As a result it is not considered that the proposal would result in any noise and disturbance over and above that which would be experienced if the premises were still used as a council office. The proposal does not therefore conflict with Policy 10 of the ACS.
- 7.9 It is noted that Environmental Health have suggested that the opening hours of the building should be restricted. However because the council office use is currently unrestricted it is considered, despite the presence of residential properties on Castle Gate, that in planning terms it would be unreasonable to place such restrictions on the proposed use.

Issue (iv) Castle Conservation Area (Policy BE12 of the NLP, Policy 11 of the ACS and paragraphs 131 to 134 of the NPPF)

- 7.10 No physical alterations are proposed to the premises and the level of activity associated with the proposal would not be substantially different to the current authorised use of the building. The proposal would have a neutral impact on the Castle Conservation Area with regard to the desirability of sustaining and

enhancing its significance, character and appearance, and as such would not conflict with Policy BE12 of the NLP, Policy 11 of the ACS or paragraphs 131 to 134 of the NPPF.

Other Matters

- 7.11 It is not considered that the proposal would give rise to an increased demand in car parking that could not be accommodated within the existing car park. Given the location of the site and the services to be provided it is more likely that staff and clients would make their way to the site by public transport.
- 7.12 The level of information submitted has been sufficient to identify and understand the planning issues raised by the proposal. A number of the issues raised by local residents and businesses relate to the day to day management and operation of the Hub and the area in general, which are not matters that can be controlled through the planning system. Framework have been made aware of the concerns and have reiterated that wherever they deliver services they seek to establish working relationships with neighbouring businesses and residents, as they are aware of the perceptions and sensitivities associated with the nature of their work.
- 7.13 The application was publicised in accordance with statutory requirements and therefore no planning issues are raised in this regard.

8. SUSTAINABILITY / BIODIVERSITY

No sustainability or biodiversity issues are raised by the proposal.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

An Equal Nottingham providing inclusive and accessible services

14 CRIME AND DISORDER ACT IMPLICATIONS

The potential issues in regard to crime and disorder have been considered within paragraphs 7.6 to 7.8 above.

15 **VALUE FOR MONEY**

None.

16 **List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 17/00082/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OJPSC1LYJT100>

17 **Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

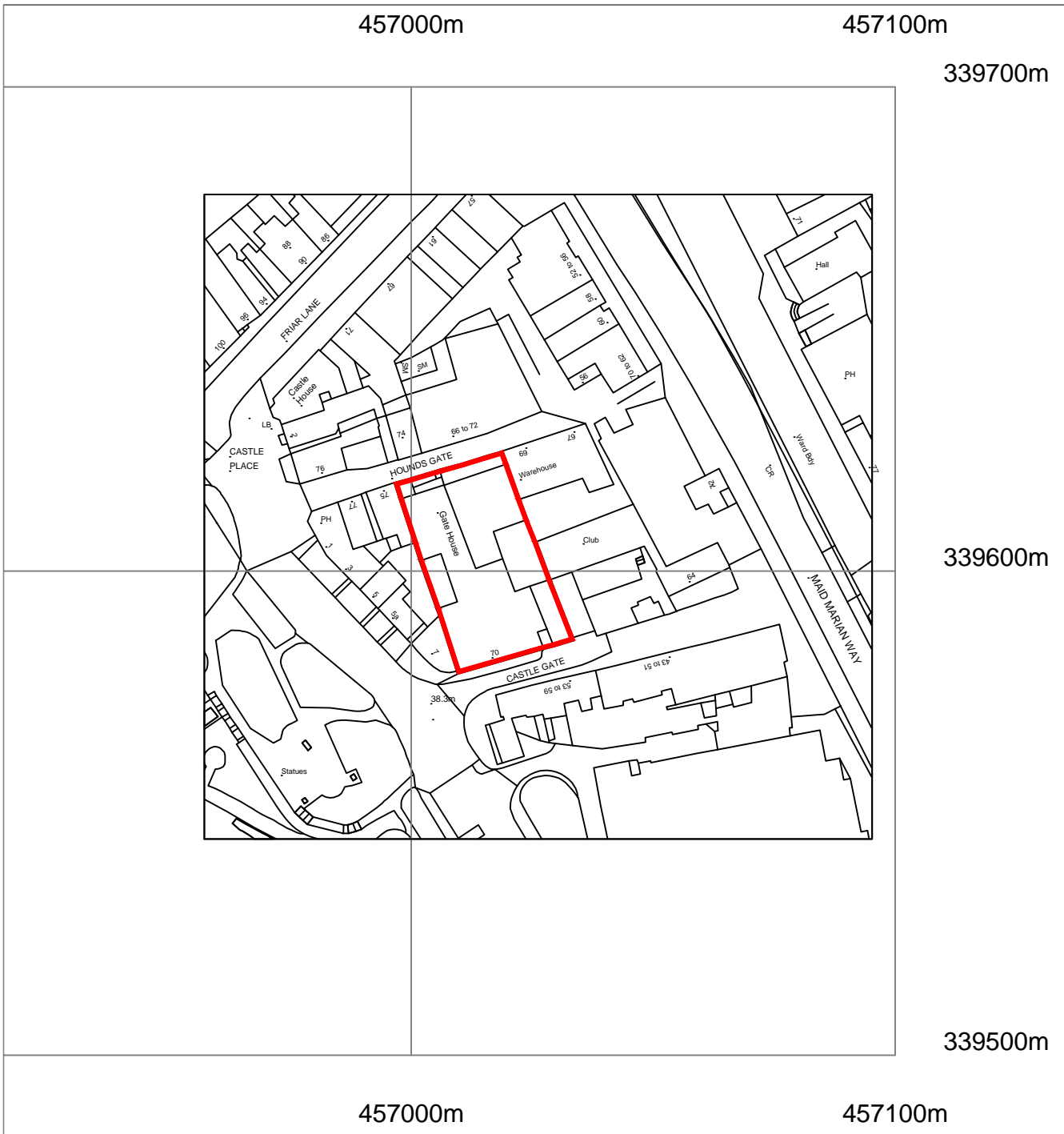
Aligned Core Strategy (September 2014)

National Planning Policy Framework (March 2012)

Contact Officer:

Miss Jennifer Cole, Case Officer, Development Management.

Email: jenny.cole@nottinghamcity.gov.uk. Telephone: 0115 8764027

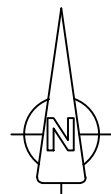


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GATE HOUSE HOUNDS GATE/CASTLE GATE NOTTINGHAM NG1 6BB

Location Plan

Scale 1:1250 at A4



My Ref: 17/00082/PFUL3 (PP-05751265)
Your Ref:
Contact: Miss Jennifer Cole
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 17/00082/PFUL3 (PP-05751265)
Application by: Mr A Jacobs
Location: Gate House , 73 Hounds Gate, Nottingham
Proposal: Change of Use from Council Offices (Sui-generis) to a Service Hub Providing Adult Support Services (Sui-generis)

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. <i>Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
Pre-commencement conditions (The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)
There are no conditions in this section.
Pre-occupation conditions (The conditions in this section must be complied with before the development is occupied)
There are no conditions in this section.
Regulatory/ongoing conditions (Conditions relating to the subsequent use of the development and other regulatory matters)
2. The premises shall only be used by Framework and the following services Nottingham Recovery Network, Wellness in Mind, EVE/DWP Work Programme, Opportunity Nottingham, Clean Slate and Nottingham City Council Housing Aid Service, unless otherwise prior agreed in writing by the Local Planning Authority.



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Not for issue

Continued...

Reason: To prevent the evolution of the services proposed as part of the City Wellbeing Hub in form that could affect the level of crime and disorder experienced in the locality to comply with Policy 10 of the Aligned Core Strategy.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Other reference PLANNING STATEMENT revision January 2017, received 16 January 2017
Other reference FRAMEWORK STATEMENT revision January 2017, received 27 January 2017
Other reference PLANNING UPDATE, received 7 February 2017

Reason: To determine the scope of this permission.

Informatives

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



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Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 17/00082/PFUL3 (PP-05751265)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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Not for issue