

**REPORT OF CHIEF PLANNER**

**12 And 12A Albany Road, Nottingham**

**1 SUMMARY**

Application No: 17/02175/PFUL3 for planning permission

Application by: Mr Derek Francis on behalf of Mr Bonnick

Proposal: Change of use to supported accommodation, including extension and external alterations (resubmission).

The application is brought to Committee at the request of a Local Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 15th November 2017

**2 RECOMMENDATIONS**

2.1 **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.

2.1 The power to determine the final details of the conditions to be delegated to the Chief Planner.

**3 BACKGROUND**

3.1 The application relates to the existing buildings at 12 and 12A Albany Road and includes the intervening courtyard. No. 12 Albany Road is a three storey detached building located on the corner of Albany Road and East Grove, standing at the back edge of the pavement on both frontages. The property is subdivided into 6 self-contained flats with access through a shared entrance off Albany Road. 12A Albany Road is located to the south west of no. 12, on the opposite side of the courtyard and is also a three storey building standing at the back edge of the pavement. It adjoins no. 10 Albany Road to the south west and accommodates a three bedroom flat on the first and second floors with garages on the ground floor.

3.2 The existing courtyard between nos. 12 and 12A Albany Road provides parking for two vehicles and is enclosed by metal gates at the back edge of the pavement.

3.3 The application falls within a Primarily Residential Area as defined within the Local Plan. There are a number of existing supported accommodation facilities of various types in the vicinity of the site.

3.4 A planning application to change the use of the buildings to supported living accommodation, including extensions and external alterations, was submitted for consideration in January 2017 (ref. 17/00066/PFUL3) but was subsequently withdrawn following a request for additional information.

## **4 DETAILS OF THE PROPOSAL**

- 4.1 The application is a re-submission of application reference 17/00066/PFUL3 and seeks planning permission to change the use of the existing buildings to a supporting living accommodation facility for people with mental health issues, specifically Axis II disorders such as schizophrenia. The accommodation would comprise 10 self-contained flats with communal areas and 24 hour on site supervision. Six flats would be provided within no. 12 Albany Road and the remaining 4 units, as well as a communal living area, kitchen facility and office for staff, would be provided within 12A Albany Road. The courtyard would be shared and as amended, would retain two car parking spaces. The application also proposes a small single storey extension to the side of no. 12 Albany Road to provide a laundry facility, an enclosed bin store and a cycle store.
- 4.2 The supporting information states that the facility would be supervised by care staff for 24 hours a day working on a shift basis, with the proposed change over time being 10pm.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

The following addresses were notified by letter on 21<sup>st</sup> September 2017:

3, 7, 9, 10, 11, 11A, 12 (flats 1-6), 14, 15, 17, 19 and 41 Albany Road  
11, 20 and 22 East Grove  
4 Denewood Avenue  
125 Gawthorne Street  
Hedley House, Hedley Street

The application was also advertised by site notice which was posted on 5<sup>th</sup> October 2017.

8 representations from local residents have been received, raising the following objections to the proposed development:

- No outdoor amenity space is to be provided for occupiers. Research suggests that access to outdoor space is particularly important for those with mental health issues.
- Concerns that residents will use local parks which could cause problems for existing children and other existing residents
- Parking provisions is to be reduced. This is not sufficient for level of residents and staff proposed
- The proposal would result in the eviction of existing residents
- There is no information in relation to the level of risk posed by the user group or the risk management/security for existing residents
- There is question as to whether the proposal is in the interest of user group or just for profit
- No overnight staff are proposed
- There has been no local consultation carried out by the developer
- The proposed layout is not fit for purpose with small rooms and no windows in some rooms
- There is an overconcentration of care facilities within this area of the city with

a number of facilities within walking distance

- No information has been provided in relation to the service provider
- There is a high possibility that persons within the intended user group could cause tensions in the community
- Concerns that the proposal could result in increased noise and disturbance
- The proposed 'no car policy' is not practical and may not be enforced.

An objection from Sherwood Rise Residents Association raised the following objections;

- This application will increase the provision of supported housing in a neighbourhood where there is already a significant number of accommodation units for vulnerable people. There are two hostels for homeless/vulnerable women within a short walking distance, temporary accommodation for ex-offenders again within a short walking distance and on the same street accommodation for asylum seekers.
- The neighbourhood includes Hedley Villas Park and the Beech Avenue shops, which would provide potential places for incidents to arise between the various groups of vulnerable people in the area - this may not be ideal for individuals with serious mental health needs.
- There has been no consultation by the applicant with residents or Local Ward Councillors.

A representation has also been received from a Local Ward Councillor who has raised the following objections:

- This is a densely populated area where there are existing parking and other environmental problems, particularly bins being left on the street. Bin lorries have difficulty getting through the Albany Road/Alma Street junction. The site is close to a junction and there are parking restrictions, which will limit on street parking availability. There is a concern among residents that this will add to the existing problems
- There are already a number of supported accommodation facilities in the area and local residents do not want to see the balance of family accommodation change.

#### **Additional consultation letters sent to:**

**Pollution Control:** No objection.

**Highways:** No objection. Conditions are recommended to ensure that the car parking spaces and cycle storage are made available prior to the first use of the development. The loss of the garages is not considered to be an issue as these are too narrow to provide adequate parking provision for vehicles and are not served by a dropped crossing. A further condition is recommended to ensure that all doors and gates open inward to the site.

**Adult Social Care:** There is a demand for this type of accommodation across the city. There is a general steer towards adults residing within supported living accommodation rather than living in care.

**Housing Strategy:** The benefits of this type of accommodation are that adults can remain within their community. However, Management will be key to ensure that it does not adversely impact the Local Community.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework:**

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 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. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Annex 1 states that the NPPF aims to strengthen local decision making and reinforce the importance of up-to-date plans. For the purpose of decision-taking, the policies in the Local Plan should not be considered out-of-date and are to be afforded weight in accordance with their conformity with the NPPF.

### **Nottingham Local Plan (November 2005):**

ST1 - Sustainable Communities

H2 - Density.

H8 - Residential Homes and Hostels.

T3 - Car, Cycle and Servicing Parking.

### **Aligned Core Strategy (September 2014)**

Policy A - Presumption in favour of sustainable development.

Policy 1 - Climate change.

Policy 10 - Design and Enhancing Local Identity.

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of use as supported accommodation
- (ii) Layout and Design
- (iii) Impact on residential amenity
- (iv) Parking

**Issue (i) Principle of use as supported accommodation (Policy ST1 and Policy H8 of the Nottingham Local Plan)**

- 7.1 Policy ST1 requires new development to contribute to the creation and maintenance of a sustainable community. Policy H8 of the Local Plan states that planning permission will be granted for residential homes for people in need of care where (a) a satisfactory residential environment can be achieved and (b) the use would not result in an overconcentration of similar uses in any one area leading to a material change in character and (c) that there is access to public transport and other services.
- 7.2 The existing properties are sub-divided into flats which do not have private amenity space and as such the proposed change of use would not result in the loss of family housing or housing which would be considered suitable for additional family housing provision. The existing properties accommodate a total of 7 self-contained flats with a total of nine bedrooms. The proposal would increase the number of residential units by 3, taking the total number to 10 and would increase the number of bedrooms from 9 to 10. It is considered that each of the flats would have adequate space, facilities, outlook and access to light. The layout has been amended to address initial concerns regarding lack of outlook. It should be noted that where partitions are shown, these are to be low level and as such the windows within the flats would serve the living areas and bedrooms. This is considered an acceptable arrangement for this type of accommodation.
- 7.3 Although the proposed accommodation would be supported with 24-hour care, the format of the accommodation would be very similar to the existing, with self-contained flats to allow residents to reside independently. The residents are provided with a level of support to allow them to integrate into the community and in this respect the characteristics of the use are not significantly different to C3 (single dwellinghouse) occupation. It should be noted that Class C3 allows for an element of care. It is accepted that a range of housing needs are catered for in the locality, including refugee accommodation, and C3 dwellings in use for asylum seekers. However, the majority of the dwellings within Albany Road are in C3 use. As described above, the format of the proposed accommodation is not significantly different to the existing arrangement of C3 flats, which in its current form accommodate 9 bedrooms, each of which, could potentially be occupied by up to two people. As such, it is considered that the proposal to create 10 single occupancy rooms, albeit with an element of care provided, would not lead to an overconcentration of similar uses to the extent that it would materially alter the existing character of the area.
- 7.4 Consultation with Adult Social Care and Housing Strategy has confirmed that there is a need for this particular type of accommodation within the City and the provision of a supported accommodation facility with self-contained units as opposed to a 'care home' is the preferred format. Adult Social Care have also confirmed that when assessing the suitability of properties for this type of conversion, the provision of outdoor amenity space is not essential. It is noted that there are areas of public open space within walking distance of the facility.
- 7.5 The properties are located within walking distance (approximately 250m) of a well-served bus route along Sherwood Rise.

- 7.6 In view of the above, it is considered that the proposed development would comply with policies ST1 and H8 of the Local Plan and as such the principle of the proposed use is considered to be acceptable.

**Issue (ii) Layout and Design** (Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan)

- 7.7 The proposal would result in an increase in the density of the accommodation. However, it is considered that this would be compatible with the site which already accommodates multiple dwellings and would result in acceptable quality of living environment for future occupiers who would also have easy access to public transport. The proposal would therefore comply with Policy H2 of the Local Plan.
- 7.8 The layout of the flats has been amended following initial concerns about the access to light and the revised arrangement is considered to be satisfactory in terms of providing adequate light to and outlook from each of the self-contained units.
- 7.9 The external layout has been revised to allow two parking spaces to be retained and also provides adequate bin storage and a cycle store. The proposed single storey extension is modest in scale and would be in keeping with the appearance of the existing building. A condition requiring the submission of materials to be used for the extension and for the infilling of redundant openings, is recommended.
- 7.10 In view of the above, it is considered that the proposal would comply with Policy 10 of the Aligned Core Strategy in respect of the requirements for layout and design.

**Issue (iii) Residential Amenity** (Policy 10 of the Aligned Core Strategy)

- 7.11 The proposed use would increase the number of flats within the two properties from 7 to 10 and the number of bedrooms from 9 to 10. However, given that the proposed flats would be single occupancy it is not considered that the increase in numbers would give rise to any significant increase in noise and disturbance for adjoining and adjacent occupiers, particularly when considering that the existing flats in their current format, could each be occupied by more than one person.
- 7.12 The layout of no. 12A Albany Road has been arranged such that communal rooms would be located on the ground floor, away from party walls with bedrooms in the adjoining property to minimise the potential impact of noise and disturbance.
- 7.13 Concerns have been raised by local residents in relation to the security risk associated with the vulnerable group that this provision is targeted towards with some suggesting that there would be no staff on site after 10pm. Whilst the specific needs or issues of the user group are not material planning considerations, the concerns appear to be based on a misunderstanding of the proposed mode of operation of the scheme. The applicant has confirmed that the site would be supervised for 24 hours a day and this information is detailed within the application. Risk management would be carried out as part of the day to day operations of the facility
- 7.14 The rooms to be provided are considered to be of a sufficient size with adequate access to light and outlook. Additional communal areas are also to be provided. As such, the quality of living environment and standard of amenity for future occupiers is considered to be satisfactory. Whilst local residents are concerned that future

residents would use nearby parks due to the lack of outdoor space within the site, this integration and inclusivity within the community, including access to and use of public space, is something that is to be encouraged.

- 7.15 In view of the above, it is considered that the proposed development would comply with Policy 10 of the Aligned Core Strategy

**Issue (iv) Parking** (Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.16 In response to concerns raised by local residents, the proposed external layout has been amended to reinstate an additional parking space within the courtyard so that there would be 2 spaces in line with the existing provision. These spaces would be allocated to staff members. Whilst the existing garages within 12A Albany Road are to be removed, the use of these for vehicles cannot be enforced and two of these would in fact render the spaces within the courtyard unusable due to access requirements. Whilst the no. of flats is to be increased from 7 to 10, the level of car ownership among residents of this facility is likely to be far lower than that of 7 residential flats which could each accommodate more than one resident. The applicant has stated that the facility would operate a no car policy for residents. In addition to the provision of vehicle parking spaces, the scheme also includes cycle storage.
- 7.17 It is noted that traffic regulation orders in the form of double yellow lines at the junction of Albany Road and Alma Street (to the east of the site) are to be considered. However, this would simply enforce the existing parking limitations at junctions, which are detailed within the Highway Code. The order will facilitate manoeuvring by larger vehicles, including bin lorries. The proposed development would retain two off street parking spaces and even in the event that the 'no car' policy is not fully enforced, it would suggest a lower level of car ownership among residents than the current unrestricted levels of ownership within the existing C3 residential accommodation. It is also noted that there is some on street parking space available immediately outside of the site.
- 7.18 In summary, it is likely that the parking demand from the development would be at worst, no greater than that from the existing residential accommodation and at best, less than the existing demand. Cycle storage would also be provided and the properties are within easy access of a well-served bus route into the City Centre. As such, the parking proposals for the development are, on balance, considered to be acceptable and the development would comply with policy 10 of the Aligned Core Strategy and policy T3 of the Local Plan.

### **Other Matters**

- 7.19 There are a number of issues that have been raised by local residents other than those which fall within Issues (i) – (iv) above. There is concern about the proposals to evict existing residents of 12 and 12A Albany Road. However, the management of the tenancy of these properties is not a material planning consideration.
- 7.20 Residents are displeased that no local consultation has been carried out by the applicant despite claims that this has been done within the application details. Whilst the applicant was encouraged to carry out consultation with local residents and local Councillors, it is voluntary rather than a legal requirement and so cannot be demanded by the local planning authority.

- 7.21 Residents are concerned that little information has been provided in relation to the operator. It should be noted that the local planning authority is assessing the merits of the proposed use, and not the merits or abilities of the operator. It is not a statutory requirement to provide this level of detail and the planning application cannot be refused for this reason. Notwithstanding this, it is noted that some information in relation to the operator has been provided within the application.
- 7.22 The integrity and motives of the service provider are not material planning considerations and as such cannot be afforded any weight in the consideration process.
- 7.23 Bin storage is provided within the site, and it is considered that the presence of staff on the site should ensure that containers are not left on the street outside of refuse collection times. It is noted that the council also has enforcement powers in this regard.

## **8. SUSTAINABILITY / BIODIVERSITY**

There are no specific proposals highlighted within the application. However, it is noted that the development would provide dedicated bin storage facilities to encourage recycling, and would promote the use of sustainable transport methods.

## **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**

Neighbourhood Nottingham: developing an inclusive and sustainable community.

## **14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

## **15 VALUE FOR MONEY**

None.



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

1. Application No: 17/02175/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OWKVXZLY01B00>
2. Pollution Control comments received 21.12.17
3. Adult Social Care comments received 31.10.17
4. Comments from resident of 12 Albany Road
5. Comments from local resident
6. Comments from resident of Hedley House, Hedley Street
7. Comments from resident of 3 Albany Road
8. Comments from resident of 17 Albany Road
9. Comments from resident of Hedley House, Hedley Street
10. Comments from resident of 9 Albany Road
11. Comments from resident of 19 Albany Road
12. Comments from Local Ward Councillor
13. Comments from Sherwood Rise Residents Association
14. Highways comments received 9.1.18

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

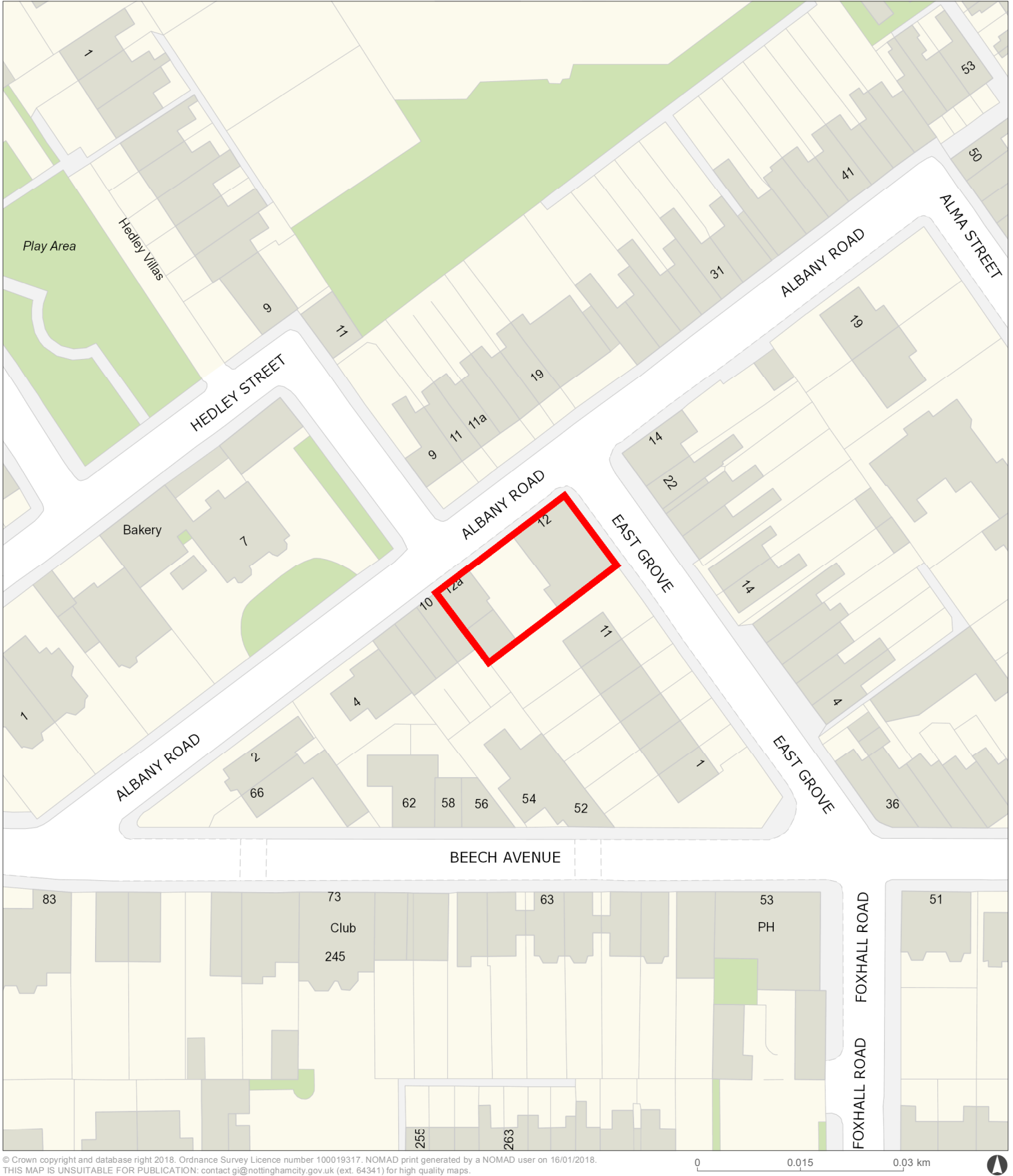
Nottingham Local Plan (November 2005)

**Contact Officer:**


Mrs Zoe Kyle, Case Officer, Development Management.

Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059

# NOMAD printed map



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Key  
 City Boundary

Description  
 No description provided

**My Ref:** 17/02175/PFUL3

**Your Ref:**

**Contact:** Mrs Zoe Kyle

**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
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Mr Derek Francis  
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Nottingham  
NG6 7GG

Date of decision:

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

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Application No: 17/02175/PFUL3  
Application by: Mr Bonnick  
Location: 12 And 12A Albany Road, Nottingham,  
Proposal: Change of use to supported accommodation, including extension and external alterations (resubmission).

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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.

*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.*

**Pre-commencement conditions**

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development hereby permitted shall not commence until details of the external materials to be used for the single storey extension and for the infilling of redundant openings within the buildings, have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategy.*

**Pre-occupation conditions**

(The conditions in this section must be complied with before the development is occupied)



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**Not for issue**

Continued...

3. The development hereby permitted shall not be brought into use until the courtyard has been laid out and cycle storage and vehicular parking are available for use in accordance with the approved details.

*Reason: To ensure that there is sufficient parking and cycle storage available for the development in accordance with Policy 10 of the Aligned Core Strategy and Policy T3 of the Local Plan.*

4. The development hereby permitted shall not be brought into use until the bin storage has been provided in accordance with the approved details.

*Reason: To ensure that there is sufficient bin storage for the development in accordance with Policy 10 of the Aligned Core Strategy.*

**Regulatory/ongoing conditions**

(Conditions relating to the subsequent use of the development and other regulatory matters)

There are no conditions in this section.

**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 forms, drawings and other documents comprising the application as validated by the council on 20 September 2017.

*Reason: To determine the scope of this permission.*

**Informatives**

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

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.



## **RIGHTS OF APPEAL**

Application No: 17/02175/PFUL3

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](http://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**