

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Shell For Mechanics Arms And Flat Over , Alfred Street North

1 SUMMARY

Application No: 19/02365/PFUL3 for planning permission

Application by: Allan Joyce Architects Ltd on behalf of Framework Housing Association

Proposal: Erection of 16 supported living flats and associated management and training facilities following demolition of public house.

The application is brought to Committee due to significant public interest contrary to officer recommendation from local residents with two Ward Councillors having submitted written objections. In addition it is proposed that the planning obligations typically required by adopted planning policies be waived in this case.

To meet the Council's Performance Targets this application should have been determined by 21st January 2020.

2 RECOMMENDATIONS

Subject to no additional representations being received by 24 February 2020 raising material planning considerations that have not already been addressed by this report, to **GRANT PERMISSION** subject to the conditions 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 Director of Planning and Regeneration.

3 BACKGROUND

- 3.1 The application building is a two storey vacant public house on the corner of Alfred Street North and St Ann's Way. To the north across Alfred Street is a vacant community building; to the south and west, adjoining the site, and across St Ann's Way to the east, are two storey dwelling houses. The area is generally residential although to the north and east are some commercial buildings.

4 DETAILS OF THE PROPOSAL

- 4.1 Planning permission is sought for a three and four storey, flat roofed building to provide sixteen one-bedroom, one-person supported living flats on the three upper floors with training and staff facilities on the ground floor. The new building would be located on the back edge of the St Ann's Way pavement (the pub is set back). Materials are brick, with a standing seam vertical clad section to upper floors on St

Ann's Way, and aluminium windows. A yard at the rear of the building would provide cycle and bin storage.

- 4.2 The proposed flats would provide safe short-term accommodation for residents; the applicants advise that residents stay in such accommodation for an average of six months. The communal areas on the ground floor would accommodate staff and provide space for one-to-one and group support and advice sessions with residents. The facility would be staffed 24 hours.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

Planning consultation

- 5.1 Twenty neighbouring properties were notified by letter dated 28 October 2019. Following concerns raised by residents and Ward Councillors at a Public Meeting on 28 January about the level of consultation, seventy-three neighbouring properties (including those originally notified) were notified by letter dated 31 January 2020. The letters were sent to properties on Sherwin Walk, Welbeck Walk, Bangor Walk, Kilbourn Street and Alfred Street. A site notice was displayed on 29 October 2019. Press advertisement published on 30 October 2019. The consultation period expires on 24 February 2020 and any further objections received prior to Committee will be reported verbally.

Representations have been received from six individual residents. Objections to the proposal are as follows:

- Such a use, particularly in proximity to Mansfield Road and the city centre, would lead to increased anti-social behaviour and crime;
- Community safety concerns for residents walking past the site, particularly at night;
- The use would lead to parking problems;
- Such a use should not be located in a residential area;
- The use would lead to a fall in house prices (it is noted that this is not a matter for the planning system);
- Location close to the city centre will attract drugs, crime, violence and alcohol abuse;
- The children's play area at Heskey Park will be subject to anti-social behaviour;
- Whilst residents of the facility will receive support inside the building, that support will not be present when residents are outside the building;
- This is a vulnerable area where improvements have been made regarding crime and anti-social behaviour; building a facility for vulnerable people within a vulnerable area has the potential to reverse these improvements.

A petition with twenty-five signatures has been received objecting to the proposal. The petition notes existing problems of crime and anti-social behaviour in the immediate area and the concern that the proposed use will add to this. It is noted that there are already four hostel and similar uses in the area.

Nottingham Civic Society objects to the demolition of the former Mechanics Arms in Alfred Street North because it is a building worthy of Local List designation. If the loss of the Victorian building has to be accepted, the proposed replacement building is too large and occupies too much of the site. Its bulk creates an over-

bearing building that intrudes incongruously into the historic context, and does not defer to the strong local character of the area.

Ward Councillor Consultation

- 5.2 A letter was sent by Ward Councillors to 104 properties on 4 November 2019 advising them of the application, asking “are you happy with the plan to develop the former Mechanics pub into flats for service users needing supported living?”. The Case Officer has been provided with nine responses to this process. Of these, four object to the proposal, four are in favour and one is unsure. The responses in favour of the proposal note that the use will provide help for people in need, will lead to rehabilitation and provide housing for the homeless.

Ward Councillor David Liversidge has written to object to the proposal for the following reasons:

- It is on the edge of a large council estate that is very desirable and has a successfully integrated and stable community;
- There is a women's refuge in the vicinity;
- It is very close to Mansfield Road where there is a night time culture;
- It will add to the problems the area is experiencing from a minority of people causing antisocial behaviour and drug dealing in the area.

Ward Councillor Sue Johnson has written to object to the proposal for the following reasons:

- Concern regarding the decision process by which the City Council has contributed funding to this project;
- This area forms part of a police intense investigation regarding street and crack house drug dealing;
- Existing problems in this area due to vulnerable homeless individuals dispersed from the city centre;
- Existing residents and families will need to pass the proposed building to reach Mansfield Road and the city centre, exposing them to anti-social behaviour;
- Anti-social behaviour will spill over from the site onto nearby streets and the recently improved Heskey Park;
- St Anns is already a deprived area with crime and anti-social behaviour and the proposal will add to these issues.

Public Meeting

- 5.3 A public meeting was held on 28 January 2020, attended by approximately twenty-five residents and by the three St Anns Ward Councillors. All residents and Councillors attending the meeting made clear their opposition to the proposal. The concerns raised have mostly been covered above. A further concern expressed is that St Anns has a high crime rate but the situation is improving; the area around the application site in particular has been the subject of recent police action. Given that the area is improving but remains vulnerable to crime, the proposed use has the potential to damage recent progress.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection subject to the provision of cycle spaces.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (2019):

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (2014):

Policy 1 - Climate Change

Policy 10 - Design and Enhancing Local Identity

Policy 14 - Managing Travel Demand

Local Plan Part 2 - Land and Planning Policies (January 2020)

Policy CC1: Sustainable Design and Construction

Policy HO4: Specialist and Adaptable Housing

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy LS4: Public Houses outside the City Centre

Policy TR1: Parking and Travel Planning

Policy EN2: Open Space in New Development

Policy IN4: Developer Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

Whether:

- (i) The loss of the public house is acceptable.
- (ii) The impact of the proposal on neighbouring occupiers is acceptable.
- (iii) The scale and design of the building is appropriate for this location.
- (iv) Planning obligations.

Issue (i) Loss of the public house (ACS Policy 10 and LAPP Policies LS4 and DE2)

- 7.1 A nomination was made in 2016 for the Mechanics Arms / Pride of Erin public house to be included on the List of Assets of Community Value. The nomination was rejected as it appeared from the evidence provided that this pub's actual and current use did not further the social wellbeing and interests of the local community and did not satisfy the statutory tests set out in sections 88 a) to d) of the Localism Act 2011. The criteria of Policy LS4 are considered to be met: alternative public house are available locally and the pub did not constitute a service of particular value to the local community nor would its loss result in a detrimental impact on the character and vitality of the area. The site has been for sale for some time with no interest in purchase as a viable public house. The proposal is thereby acceptable in terms of Policy LS4 of the Local Plan Part 2.
- 7.2 The potential heritage value of the public house has been considered and the conservation officer has noted that the building does not have sufficient architectural or cultural value to be included on the Local List. The building is not in a conservation area and the site is sufficiently remote from the listed former mill on Alfred Street, which is sufficiently robust in its own appearance, not to have any detrimental impact. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policy DE2 of the Local Plan Part 2.

Issue (ii) Impact of the proposal on neighbouring occupiers (ACS Policies 10 and 14 and LAPP Policies HO4 and DE1)

- 7.3 The proposed sixteen self-contained single-person flats would provide safe short-term accommodation for residents, primarily as 'move-on' accommodation between homelessness and permanent accommodation. The applicants advise that residents stay in such accommodation for an average of six months. The communal areas on the ground floor would accommodate staff and provide space for one-to-one and group support and advice sessions with residents. This would be a managed facility staffed 24 hours. The intention of this type of facility is to encourage independence and to replace 'hostel' type accommodation. The applicant Framework is a charity providing housing, health, support, and care services across the East Midlands and South Yorkshire. Framework have a track record of managing facilities well and recent investigations by council officers into their current facility in the Arboretum has shown that it is well managed and not a significant source of concern to local Councillors or the Police. The design of the building places the entrance on Alfred Street North so that pedestrian access to and from the building would most likely to be to the west, along Alfred Street, to access city centre facilities, rather than to the east into the residential area of St Anns. It is not considered that the proposed use would compromise the amenity of

existing local residents to such a significant degree that planning permission should be refused as contrary to part b) of Policy HO4. The proposal is also in accordance with Policy HO4 part e) regarding satisfactory management arrangements in place to ensure amenity of nearby occupiers is maintained.

- 7.4 This type of facility needs to be in a location where residents can access a range of services and the application site is well located in this regard. It would be a purpose-built facility and is close to public transport routes on Mansfield Road. In this, the proposal would comply with Policy HO4 parts a) a satisfactory residential environment can be achieved for the benefit of the intended occupants and d) the site is accessible to public transport and other services.
- 7.5 Concern has been raised about the location of other hostel and supported accommodation in the area, and although some do exist (for different client groups) these are not in the immediate vicinity and the proximity is not dissimilar than would be expected in any edge of city location. This type of facility needs to be in a location where residents can access a range of services and the application site is well located in this regard. Due to the limited availability of sites, facilities of this nature are almost always located in the vicinity of other residential properties and it is in itself a residential use; the fact that this area contains other residential properties is not a reason to consider it inappropriate. Tackling homelessness is a high priority for the Council and Framework are a key partner providing commissioned services to clients with complex needs. The Council Plan contains a commitment to help homeless people get off the streets. Of the 407 commissioned bed spaces for homeless people in Nottingham citywide, only 17 are located in St Ann's in just seven properties. Framework in particular have 247 bed spaces of supported accommodation, only 4 of which are within St Ann's, in just two properties. The proposal thereby complies with Policy HO4 part c) the use would not result in over-concentration of similar uses in any one area leading to a material change in character.
- 7.6 Given the nature of the intended occupiers, it is unlikely that many residents of the flats would be car owners. This is a sustainable location close to facilities and to public transport routes, encouraging the use of sustainable transport by residents and staff. For a location this close to the city centre, there does not appear to be a substantial problem of on-street parking. The proposal, with a planning condition to ensure the provision of cycle spaces, is considered to be acceptable in terms of its likely impact on the highway network and parking conditions in the area.
- 7.7 The new building would be 1.5m higher than the neighbouring house on St Ann's Way and would be closer to that neighbouring than the existing public house. The windows in the facing side elevation of the house are understood to serve non-habitable rooms. The rear section of the new building would be set away from the boundary and contain obscurely glazed bathroom windows. The impact of the new building on number 78 St Ann's Way is therefore considered to be acceptable in terms of privacy, daylight, sunlight and outlook. The pub currently extends up to the boundary with the neighbouring house at the rear on Kilbourn Street. The roof of the new building would be approximately 0.8m lower than the existing ridge of the pub roof.
- 7.8 In conclusion, the proposal is considered to be acceptable in accordance with Policies 10 and 14 of the Aligned Core Strategies and Policies HO4, TR1 and DE1 of the Local Plan Part 2.

Issue (iii) Scale and Design (ACS Policy 10 and LAPP Policies DE1 and DE2)

- 7.9 The proposed building is four storeys high on St Anns Way and the adjacent house is two storeys. The proposed building would at this point be set below pavement level by approximately 1m below pavement level at this point and the adjacent house is set higher due to the change in levels. The flat roof of the new building would therefore be 1.5m higher than the ridge of the house. On Alfred Street North, the proposed building is three storeys high and its roof would be 0.3m below the ridge of the neighbouring house on Kilbourn Street. It is considered acceptable for buildings on corners in this area to have a certain presence; this is the case with the community building to the north, the mill buildings to the west and the newer student accommodation on Kilbourn Street. The scale of the building is considered to be acceptable in design terms. The elevations repeat the contemporary quality that is represented by other recent developments on the opposite side of Kilbourn Street, with a simple fenestration pattern being enhanced by the use of larger sized window openings, with reveals and modest detailing. Breaks in the roofline are also provided to suit the gradient of the street. The proposal is considered to be acceptable in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan Part 2.

Issue (iv) Planning Obligations (LAPP Policies EN2 and IN4)

- 7.10 A policy compliant planning obligation for the proposed development would be expected to provide a contribution of £15,312 to enhance existing areas of open space, or else make provision for additional areas of open space within the locality.
- 7.11 A City Council Delegated Decision was made in December 2019 to allocate Section 106 affordable housing contributions, from the agreement linked to Woodhouse Park (planning ref. 13/01703/POUT), to grant fund Framework to provide new affordable housing. The applicant has submitted a viability appraisal which shows that the scheme would not be viable without the grant fund provided by the City Council because Framework do not undertake projects which have an internal rate of return below their borrowing rate of 4.5%.
- 7.12 The viability appraisal shows that the scheme would be able to support an open space contribution of £15,312 whilst retaining an internal rate of return above 4.5%. Nevertheless, the rate of return of 5.25% provided by the scheme is only marginally above the borrowing rate and substantially below the return that would be expected by a private developer. It is also the case that, as a charitable organisation, Framework do not seek to make a profit and that the viability appraisal does not include contingency figures. The grant of £500,000 provided by the City Council comprises Section 106 Affordable Housing funding and it is not considered appropriate to effectively require this money back via a planning obligation to be redirected to public open space.
- 7.13 It is considered that given its contribution to Council key objectives and its compliance with other Policies of the Local Plan, it is acceptable on balance that good reason exists to depart from policy IN4 and that no planning obligation be sought in respect of open space.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation

measures in order to comply with current Building Regulations. It is considered that this is sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategies and Policy CC1 of the Local Plan Part 2. It is not considered that there are any biodiversity implications.

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

13.1 The proposal contributes to meeting Theme Three of Nottingham's Housing Strategy 2018-2021: the challenge of homelessness prevention and providing specialist and supported housing.

13.2 The proposal contributes to meeting key objective of the Nottingham City Council Plan 2019-2023: build or buy 1,000 Council or social homes for rent.

14 CRIME AND DISORDER ACT IMPLICATIONS

The proposed building will provide accommodation for the homeless, which will allow for better behaviour management; this should have a positive impact on Crime and Disorder, anti-social behaviour and fear of crime.

15 VALUE FOR MONEY

None.

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

1. Application No: 19/02365/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PZRI19LYJO100>

17 Published documents referred to in compiling this report

Nottingham Local Plan – Part 2 (January 2020)
Aligned Core Strategies (September 2014)

Contact Officer:

Mr Phil Shaw, Case Officer, Development Management.

Email: philip.shaw@nottinghamcity.gov.uk. Telephone: 0115 8764076

NOMAD printed map



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Key



City Boundary

Description

No description provided



Nottingham
City Council

My Ref: 19/02365/PFUL3 (PP-08231824)
Your Ref:
Contact: Mr Phil Shaw
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Allan Joyce Architects Ltd
16-20 Bath Street
Nottingham
NG1 1DF

Date of decision:

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

Application No: 19/02365/PFUL3 (PP-08231824)
Application by: Framework Housing Association
Location: Shell For Mechanics Arms And Flat Over , Alfred Street North, Nottingham
Proposal: Erection of 16 supported living flats and associated management and training facilities following demolition of public house.

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 shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) details of all external materials;
 - b) details of boundary railings;
 - c) details of a scheme for the sustainable urban drainage of the site, designed to reduce the surface water discharge rate/impermeable surfaces by 30%.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the site is satisfactory and to avoid flood risk in accordance with Policies 1 and 10 of the Aligned Core Strategies and Policies CC3 and DE1 of the Local Plan Part 2.



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Pre-occupation conditions

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

3. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no flat shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the flats or the completion of the development whichever is the sooner; and
 - c) any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Local Plan Part 2.

4. No flat shall be occupied until the bin storage and cycle parking shown on the approved plans has been provided and the site has been enclosed in accordance with the approved details.

Reason: To ensure that the appearance of the site is satisfactory and in the interests of the living conditions of residents of the development and neighbouring occupiers in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan Part 2.

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 22 October 2019.

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.



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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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RIGHTS OF APPEAL

Application No: 19/02365/PFUL3 (PP-08231824)

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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