

## **Report of Director of Planning and Regeneration**

### **45 Watcombe Circus, Nottingham**

#### **1 Summary**

Application No: 21/01273/PFUL3 for planning permission

Application by: Allan Joyce Architects Ltd on behalf of Phil Collins

Proposal: Change of use from care home (Class C2) to 7no 1 bed flats (use class C3). Replacement windows and removal of external staircase.

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

To meet the Council's Performance Targets this application should have been determined by 6th August 2021.

#### **2 Recommendations**

To **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 of planning permission to be delegated to the Director of Planning and Regeneration.

#### **3 Background**

The application relates to 45 Watcombe Circus, a currently vacant property on the west side of Watcombe Circus. The property was most recently used as a care home within Use Class C2 (residential Institutions) and is believed to have had 10 bedrooms. Surrounding properties are predominantly C3 dwellings although there are a number of multiple occupancy properties in the area, including flat conversions, HMOs and residential institutions.

#### **4 Details of the proposal**

- 4.1 Planning permission is sought to convert the property to 7 one bedroom flats (Use class C3). The application has been submitted by an employee of Framework Housing Association, and although it has not been made in the name of that organisation, it is understood that the flats are likely to be occupied by their users. When asked to clarify the intended use/occupancy of the flats the applicant has provided the following statement:

*‘Our application is for domestic flats, it is not for any kind of hostel. The people living in these flats will have their own tenancies, they will live independently but with a level of visiting support. The flats will house single people who have very little in the way of belongings and no likelihood of owning a car’*

- 4.2 The application also seeks permission for replacement of the existing windows with uPVC framed windows and includes the removal of the existing external staircase.

## **5 Consultations and observations of other officers**

Adjoining occupiers on Watcombe Circus, Devonshire Road and Ravensmore Road were notified of the application on 20.07.2021. Following the receipt of revised plans and additional information regarding the proposed use, residents were re-notified on 11.10.2021, with the number of letters sent being increased to include anyone who made a representation in response to the original notifications. A site notice was also displayed on a lamppost close to the application site, on 9<sup>th</sup> October 2021. The consultation period expired on 4<sup>th</sup> November 2021.

Representations have been received from the occupiers of fourteen neighbouring properties, objecting to the proposal for the following reasons:

- The flats will impact on the levels of noise in the predominantly family home area
- The proposed change of use will add pressure to traffic and parking in the street, there is insufficient parking for the residents on the road and no option to create off street parking for many due to elevated location of the houses in the area. The property only has 2 parking spaces.
- The proposal will remove opportunity to return this property to its original status: a home for a family in keeping with the locale.
- The area already has a number of HMO's/ flats, specifically on Watcombe Circus. The flats already on Watcombe Circus have seen numerous issues with antisocial behaviour, regular incidents with police attendance and rubbish as well as increase in noise. This would only increase.
- A separate set of flats several doors away already causes large amounts of household waste to be deposited on the pavement due to inadequate space for waste facilities.
- Small flats tend to attract short term lets and transient residents without a vested interest in the well-being and upkeep of the area. This undermines the sense of community that residents have sought hard to achieve.
- The proposed development would lead to a loss of a dwelling suitable for family occupation. It would also contribute to the growing over concentration of Class C3 and similar dwellings within the locality, therefore prejudicing the creation and maintenance of a balanced and sustainable community.
- By their very nature, properties in multiple occupation tend to be used differently from a family home, since the unrelated occupants share access. Occupants also tend to be of a similar age. As a consequence there are likely to be different patterns of behaviour, with more comings and goings than might otherwise be the case if the dwelling was in single family use. Increased comings and goings will cause material harm to adjacent neighbours.
- There will be a concentration of people with higher than average support needs in the property. Even if intensive levels of support are provided, there is a danger of anti-social behaviour occurring as a result. It is possible that there will be a high turnover of tenants which would have a destabilising effect on the neighbourhood.
- A conversion to two or, at most, three family homes would make integration to the existing community much easier

- Despite its previous use as a care home with several residents, this was still in effect operating as a single use 'family' home, which is completely different to a block of flats.
- This is in no way an appropriate or suitable location for a housing project of this nature.
- Removing family homes from the area by change of use not only directly affects how many children can live within the school catchment and so access the school but also begins to fundamentally change the very nature of that area and potentially erode the family-orientated environment.
- The correct procedures for publicity of the planning application have not been followed
- The application has been submitted in a way which is intended to deliberately mislead by the very omission of the charity name.
- Engagement with the local community should have taken place prior to the submission of the planning application.
- Vulnerable young adults would be unsupported in an unsuitable location.
- The flats are very small and so makes the building overpopulated for its size
- Small changes to the original plan would not change the application radically, all concerns and comments previously sent would still apply.

The representations also included a Neighbourhood Watch report on incidents of Anti-Social behaviour in the area.

A petition of 52 signatures, objecting to the proposed development, was also received.

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

**Environmental Health:** No objection.

**Highways:** No objection. A condition requiring the provision of cycle parking for each flat is recommended.

## **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 126 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 130 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 8 - Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

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

Policy CC1 - Sustainable Design and Construction

Policy HO1 - Housing Mix

Policy DE1 - Building Design and Use

Policy DE2 - Context and Place Making

**7. Appraisal of proposed development**

**Main Issues**

**Issue (i) Principle of the Development** (ACS Policy 8 and LAPP Policy HO1)

- 7.1 The acceptability of the principle of this proposal lies primarily with the interpretation that the proposed flats are 'dwellinghouses' falling within Use Class C3 and subject to Policy HO1).
- 7.2 The applicant has confirmed that the flats would be occupied within Use Class C3 of the Use Classes Order (that is, use as a dwellinghouse by a single person). They point to individual tenancies, independent living and a low level of support. It is noted that Class C3 allows for a level of support to be provided for occupiers of a house or flat (for example, social care provided to allow a person to live in their own home).
- 7.3 A recent Housing Market Assessment has confirmed the need for more housing types, of all tenures, in almost all wards in Nottingham; this includes affordable/social one bedroom self-contained homes, the need for which is presented in both the council's Housing Strategy and the cities Homelessness Prevention and Rough Sleeping Strategy. Supporting people into independent, settled accommodation is a key feature of the strategic approach to rough sleeping and single homelessness, providing a transition from supported accommodation to fully independent living. An identified need exists for one bedroom self-contained residential accommodation within Class C3, particularly of a type which registered providers such as the applicant's organisation do provide to help the council deliver and meet local need. The flats are considered to be within Class C3 and therefore the proposal is considered to comply with Policy HO1 and the council's Housing Strategy and therefore acceptable in principle.
- 7.4 One of the main points of objection relates to the loss of a family dwelling. However, the existing property, which is currently vacant, was last used as a care home, falling within Use Class C2 (residential institutions). As such, the proposed

change of use is not considered to constitute a loss of a family dwelling. Policy HO2 of the LAPP is therefore not applicable in this instance.

**Issue (ii) Impact on Residential Amenity** (Policy 10 of the ACS and Policy DE1 of the LAPP)

- 7.5 The proposed scheme comprises 7 no. one bed, single occupancy flats. The existing care home has 10 bedrooms and therefore the proposal represents a net decrease in the total number of occupants within the property. Whilst it is appreciated that the nature of the accommodation proposed is different to the last use as a care home, it is not considered that the proposals would significantly increase the level of comings and goings to the property, such that it would be detrimental to the amenities of neighbouring occupiers.
- 7.6 The applicant has confirmed that their intended occupants are very unlikely to be car owners. It is noted, in the context of the proposed dwellings being C3 units that are not specifically tied to the applicant's organisation, that there is a potential for future use of the flats unrelated to the applicant's organisation, and that such use could give rise to increased demand for parking. However, having regard to the size of the units and the location of the property within easy walking distance of Mansfield Road with good public transport links and local amenities, it is considered that the units are less likely to appeal to car owners/users and as such it is not considered that the proposed use would be likely to give rise to a significant increase in demand for on-street parking or in traffic congestion. Highways have been consulted and raise no objection to the proposals. A condition requiring the provision of cycle storage for the development is recommended.
- 7.7 Concerns have been raised about the potential impacts of anti-social behaviour, including noise and disturbance and litter. It is not considered that the arrangement of the accommodation, which comprises self-contained flats, each having its own living space and with no communal areas, would give rise to opportunities for anti-social behaviour in the same way that an HMO would. Similarly, the rear yard of the property is of a sufficient size to accommodate adequate bin storage for each of the flats and a condition requiring the submission of details of this, is recommended. As such it is considered that the proposed use as flats would not have any significant additional impact upon the amenities of neighbouring occupiers, when taking account of the existing use and the proposed layout and scale of the accommodation. The concerns of residents arising from the behaviour of Framework clients elsewhere are understood, but these concerns cannot be given significant weight in the context of the application for C3 dwellings. Antisocial behaviour is not an intrinsic characteristic of C3 use, and cannot be assumed based on the layout and nature of this development. The proposal therefore complies with Policy 10 of the ACS and Policy DE1 of the LAPP.
- 7.8 The quality of accommodation proposed is considered to be satisfactory. Policy DE1 sets out that all new dwellings should meet the Nationally Described Space Standards. The justification for the policy notes: "New dwellings should provide a satisfactory environment for occupants and will be expected to meet the Government's Nationally Described Space Standard unless there is clear evidence to demonstrate that this would not be viable or technically feasible and that a satisfactory standard of accommodation can still be achieved."

The units are single occupancy and it is noted that four do not meet the minimum threshold of 37 sq m for such units, as set out within the Nationally Described

Space Standards. The flat sizes are: 31, 32.8, 33, 36, 37, 37 and 40 sq m respectively. However, it is acknowledged that a conversion of an existing building of this nature is practically constrained by the layout and structure of the building, and the proposed subdivision is a logical use of the available space. Whilst it is clearly possible to subdivide the space in a different way that could exceed and thus comply with the space standards (for example by providing two instead of three units on each of the first and second floors) the resulting units would be disproportionately large and not appropriate or viable for the applicant's needs. The flats offer useable space with generally well-proportioned and adequately sized bedrooms with sufficient access to light and outlook. Each flat has decent storage space and there is space within the curtilage to provide bin and cycle storage. In this regard, the development is considered to comply with Policy 10 of the ACS and Policy DE1 of the LAPP.

**Issue (iii) Design and Appearance** (Policy 10 of the ACS and Policy DE1 and DE2 of the LAPP)

- 7.9 The proposal to replace the windows within the property is acceptable and would not have any significant or materially harmful impact upon the character and appearance of the wider streetscene. The removal of the external staircase is welcomed and would enhance the overall appearance of the property as well as improving security and natural surveillance. The proposal would therefore comply with Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP.

**Other Matters**

- 7.10 A number of objections were raised in relation to the level of consultation that has been carried out in relation to the application. Neighbour notification letters were sent and a site notice has been displayed. The Council have therefore carried out their statutory obligations as set out within Article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 7.11 It is noted that some concern has been raised about the absence of information about the applicant in the original application. The Council must deal with applications on the basis that they are submitted, and how applicants identify themselves on planning applications is not within the Council's control. Whether this is done as an individual or under a company name is entirely up to the applicant and the Council has no legal basis to alter the applicant's details. Although the applicant is an employee of Framework, the proposal is not for a specialist form of housing but rather normal 1 bed flats, falling within use class C3. When the Council determine applications for flats or houses, the specific nature of an occupant is not a material planning consideration and as such there was no requirement for this information to be included on the application form.

**8. Sustainability / Biodiversity** (Policy 1 of the ACS and Policy CC1 of the LAPP)

The development involves the re-use of an existing building in a sustainable location. Insulation to the internal walls is proposed, and the conversion will need to comply with the Building Regulations with regard to water and energy conservation. A condition requiring the provision of cycle storage for the development is recommended, to encourage the use of sustainable transport. In the context of a conversion it is considered that these measures are sufficient to comply with Policy 1 of the ACS and Policy CC1 of the LAPP.

**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: Providing a high quality and sustainable development.

**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: 21/01273/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QUJ1RHLYFLB00>

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

Nottingham Local Plan (November 2005)

**Contact Officer:**

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# NOMAD printed map



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Key

 City Boundary

Description

No description provided



**My Ref:** 21/01273/PFUL3 (PP-09924053)

**Your Ref:**

**Contact:** Mrs Zoe Kyle

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



**Nottingham  
City Council**

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

**Tel:** 0115 8764447  
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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: 21/01273/PFUL3 (PP-09924053)  
Application by: Phil Collins  
Location: 45 Watcombe Circus, Nottingham, NG5 2DU  
Proposal: Change of use from care home (Class C2) to 7no 1 bed flats (use class C3).  
Replacement windows.

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)

There are no conditions in this section.

### **Pre-occupation conditions**

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

2. Prior to the first occupation of the flats hereby permitted, bin storage for the flats shall have been provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that there is adequate bin storage for the development in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the LAPP.*

3. Prior to the first occupation of the flats hereby permitted, cycle storage for the flats shall have been provided in accordance with details which shall have first been submitted to and

approved in writing by the Local Planning Authority.

*Reason: To ensure that there is adequate cycle storage for the development in accordance with Policy 10 of the Aligned Core Strategies and Policy DE1 of the LAPP.*

**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 following drawings/documents:  
Drawing reference 05 revision B dated 8 October 2021

*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: 21/01273/PFUL3 (PP-09924053)

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/pcs](http://www.planningportal.gov.uk/pcs).

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.

## **STREET NAMING AND NUMBERING**

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact [address.management@nottinghamcity.gov.uk](mailto:address.management@nottinghamcity.gov.uk) as soon as possible,



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**Nottingham**  
A city we're all proud of

# **DRAFT ONLY**

## **Not for issue**

quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

**DRAFT ONLY**  
**Not for issue**