

Report of Director of Planning and Transport

Franciscan Friary, Gordon Road

1 Summary

- Application No: 23/02071/PFUL3 for planning permission
- Application by: Emmanuel House Support Centre Denis Tully
- Proposal: Change of use from a 7 bed friary to 7 bed accommodation for vulnerable adults. Erection of 3m boundary fence.

The application is brought to Committee as it has raised significant local interest. It is being brought back to Committee for reconsideration in the light of clarification of matters of fact and following receipt of further representations.

To meet the Council's Performance Targets this application should have been determined by 12th February 2024. An extension of time to determine the application (until 22 March) has been agreed with the applicant.

2 Recommendations

GRANT PLANNING PERMISSION subject to conditions substantially in the form listed in the draft decision notice at the end of this report, with power to determine the final details of the conditions to be delegated to the Director of Planning and Transport.

3 Background

- 3.1 The application site is a single storey building built in the 1960s as a friary and attached to the older Our Lady and St Edward Catholic Church. The application relates to the friary building; the church is to be retained for parish use. The friary is a flat roofed, brick built, square building with an internal courtyard.
- 3.2 The area is largely residential and there are houses to the southeast across Gordon Road. The church is immediately to the northeast and is bordered by Our Lady and St Edward Primary School.

4 Details of the proposal

- 4.1 The planning application proposes the change of use from a 7 bed friary to 7 bed accommodation for vulnerable adults. The accommodation would be for people who are homeless, with low level needs, to provide a platform to access longer term accommodation. Minor internal works would be required. The applicant has advised that there will be one person on site at all times to help with housing management and general support. There will also be case workers attending

- Monday to Friday, helping to access housing, benefits, work, and other services.
- 4.2 The church, part of the Friary building and some of the adjacent land to be retained for parish use, although there will be no direct access between the two. The church would continue to be a place of worship used several times a week with a regular congregation on a Sunday of approximately 200 people.
- 4.3 Also proposed is a 3m high timber fence within the grounds, separating the external outdoor areas of the converted friary and the church.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

49 neighbouring properties have been individually notified and the application has been advertised by site notices.

Twenty four direct representations have been received objecting to the proposal. The proximity of the site to schools, particularly the entrance to St Edwards school being next to that of the application site, is considered to compromise the security and safety of children. The nursery playground would be adjacent to the Friary grounds, leading to children hearing inappropriate language. The proximity of the facility to the Greyfriars Social Club would not be a good idea for future residents. The proposal would create further challenges to a deprived area, with the potential for anti-social behaviour.

A petition objecting to the proposal containing 215 signatures has been received. The reason for the objection petition is given as follows:

“We the undersigned are against the proposal of Emmanuel House and the Holy Family Parish, housing homeless individuals within the Old Friary. We are requesting that the Planning Application for change of use of the Old Friary is refused. The Community voice believes that the location is not appropriate to its location, in close proximity of 3 schools, Marmion Park and in the middle of a housing estate.”

Twenty-two representations have been received in support of the proposal. These point to the need for accommodation for homeless people and that Emmanuel House is a trusted and experienced provider. It is noted that the small scale of the provision means that it is unlikely to cause problems on the area. The proposal is considered to be a good and appropriate use of a vacant building.

The Parish priest has written in support of the proposal, noting that 294 people signed a petition at the adjacent Our Lady and St Edward’s Church in support of the proposal.

The Head Teacher of Our Lady and St Edward Catholic School has provided a statement in support of the proposed use of the Friary, noting that concerns have been taken into account and that the work of the applicants Emmanuel House is in line with the school’s values.

A supporting statement has been received from the University of Nottingham (who work with Emmanuel House in providing winter shelters).

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) (December 2023)

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 131 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 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 (ACS) (2014)

Policy A: Presumption in Favour of Sustainable Development
Policy 8: Housing Size, Mix and Choice
Policy 10: Design and Enhancing Local Identity

Land and Planning Policies (LAPP) (2020)

Policy DE1: Building Design and Use
Policy DE2: Context and Place Making
Policy HO1: Housing Mix
Policy HO4: Specialist and Adaptable Housing

7. Appraisal of proposed development

Main Issue

Impact of proposed use on the area and on neighbouring residents (ACS Policies 8 and 10, LAPP Policies DE1, DE2, HO1 and HO4)

- 7.1 LAPP Policy HO4 states that in residential areas planning permission will be granted for specialist housing for older people, other vulnerable groups and for hostel accommodation provided that:
- a) a satisfactory residential environment can be achieved for the benefit of the intended occupants;
 - b) the amenity of existing local residents would not be compromised;
 - c) the use would not result in over-concentration of similar uses in any one area leading to a material change in character;
 - d) the site is accessible to public transport and other services; and
 - e) there will be satisfactory management arrangements in place to ensure amenity of nearby occupiers is maintained.
- 7.2 ACS Policy 8 and LAPP Policy HO1 recognise that a general mix of housing tenures, types and sizes is desirable in order to create sustainable, inclusive and mixed communities.
- 7.3 The proposed residential environment for occupiers is satisfactory, particularly as the building was designed to provide residential accommodation. There is not considered to be an over-concentration of similar uses in the area leading to a material change in character. The site is located on a bus route (there is a bus stop outside) and is accessible to services and amenities. Whilst it is noted that the site is close to the social club, the proposed facility is for the homeless, rather than the drug or alcohol dependent, and there is no evidence that the location is directly inappropriate in this regard.
- 7.4 The applicant has advised that there would be at least one support worker on site at all times and that the occupiers would have low level needs. The project is being undertaken with the support of the Holy Family Parish, who would continue to use the adjacent site as a place of worship. This indicates that there would be satisfactory management arrangements in place to ensure that the amenity of nearby occupiers is maintained.
- 7.5 The applicant intends to erect a 3m high fence to separate the outdoor area at the rear of the application site from the grounds of the adjacent church. This would separate the grounds of the application site from the grounds of St Edward's School by 10 metres. It is considered that this is appropriate in physically separating the application site from the school such that the school would not be directly adjacent to the site. It is also considered that in this location the height of the fence would be acceptable.

Additional information- School Entrance

- 7.6 The petition and individual objections to the proposal all noted the proximity of the site to schools, particularly the entrance to St Edwards school being next to that of the application site and considered to compromise the security and safety of children. The head teacher of St Edwards school has confirmed that all pupils access the school from Gordon Road. The main school (Key Stage 1 and 2) pupils use the entrance on Gordon Road which is 50m from the application site. Early years children and families use an entrance which is immediately adjacent to St

Edwards Catholic Church and 20m from the application site.

Additional information- Management of the proposed accommodation

- 7.7 The applicants Emmanuel House have confirmed that there will be a member of staff on site at all times. They have submitted a management plan confirming this, as requested by Planning Committee. There has been a level of uncertainty around this, with a number of objectors understanding that the facility would be staffed only from Monday to Friday. The management plan confirms that there will be one staff member at the house at all times covering 24 hours a day 7 days a week and a caseworker Monday to Friday.
- 7.8 The management plan states that:
- “The model is designed to support people with low needs that are ready to be able to move into private rented properties and may be considering returning to work. They will have local connection to Nottingham city and be able to claim Housing Benefits. They will have to have a housing officer at Housing solutions. They may have a history of substance misuse but this must be under control and they must be working with a substance misuse worker. Mental Health must be under control and they must be working with a medical professional such as a GP or MH worker. They can have a history of criminal record but MUST not have a history of Violence, Arson or Sexual crimes”.*
- 7.9 The management plan contains rules regarding no drugs, alcohol, weapons; appropriate behaviour; and that the address is not to be shared.
- 7.10 The relatively small scale of the facility, the satisfactory management arrangements and the consideration that the amenity of existing local residents would not be compromised lead to the conclusion that, on balance, the proposal complies with Aligned Core Strategies Policies 8 and 10 and Local Plan Policies DE1, DE2, HO1 and HO4.

8. Sustainability / Biodiversity

The proposal relates to the reuse of existing residential accommodation. As such it raises no material sustainability/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

Reduce the number of rough sleepers and families in temporary accommodation. Reduce demand under the Homelessness Reduction Act by supporting people before they are made homeless.

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: 23/02071/PFUL3 - link to online case file:
[23/02071/PFUL3 | Change of use from a 7 bed friary to 7 bed accommodation for vulnerable adults. | Franciscan Friary Gordon Road Nottingham Nottingham City NG3 2LG](#)

17. Published documents referred to in compiling this report

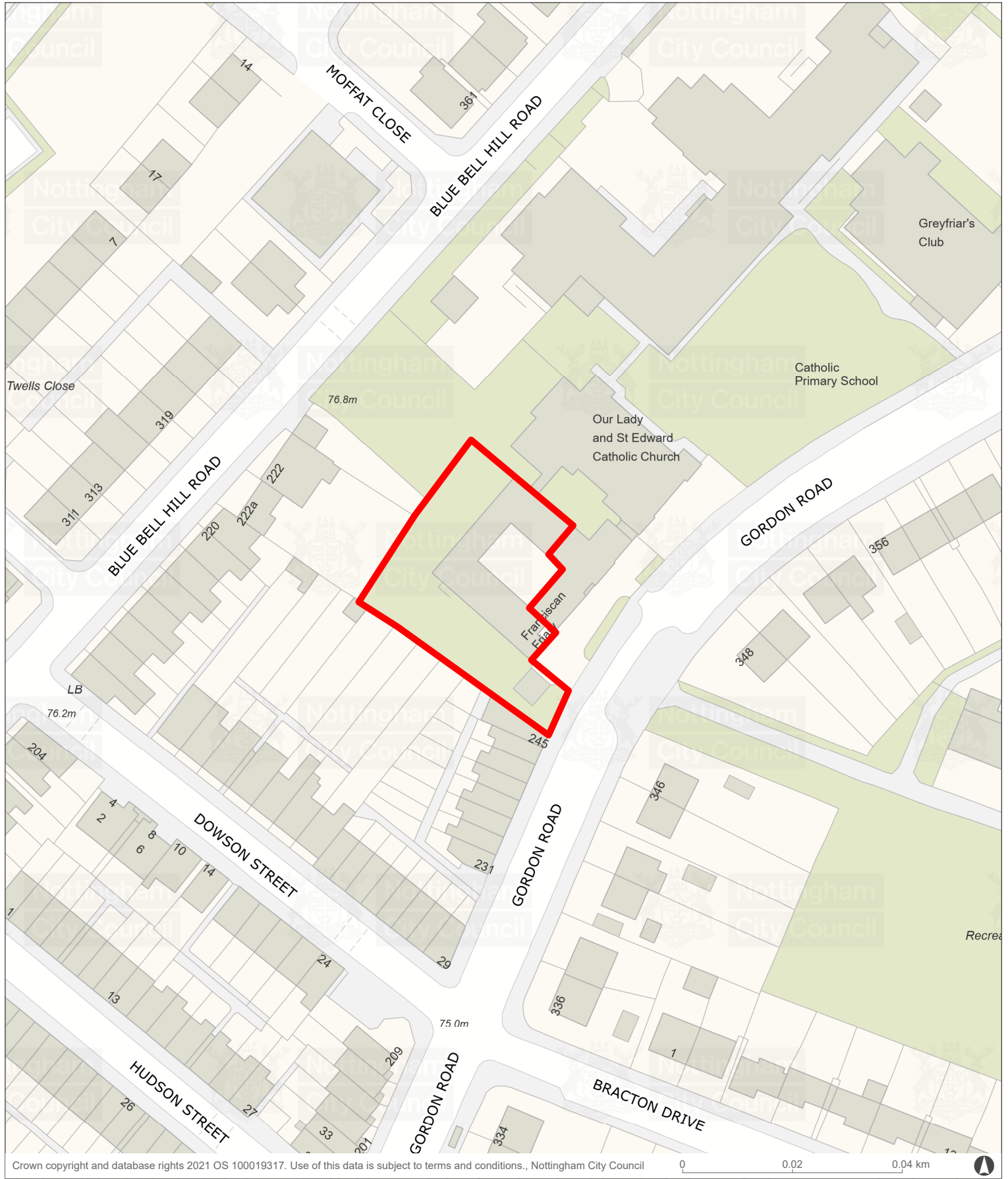
Aligned Core Strategies – Local Plan Part 1 (2014)
Land and Planning Policies – Local Plan Part 2 (2020)
NPPF (2021)
Strategic Council Plan 2023-27

Contact Officer:

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0 0.02 0.04 km

Key

 City Boundary

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Description

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My Ref: 23/02071/PFUL3 (PP-12552489)
Your Ref:
Contact: Mr Phil Shaw
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Date of decision:

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

Application No: 23/02071/PFUL3 (PP-12552489)
Application by: Emmanuel House Support Centre Denis Tully
Location: Franciscan Friary , Gordon Road, Nottingham
Proposal: Change of use from a 7 bed friary to 7 bed accommodation for vulnerable adults.
Erection of 3m boundary fence.

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. Use of the site as seven bed accommodation for vulnerable adults shall not commence until a 3m high close board timber fence has been erected between the application site and the adjacent church grounds in accordance with the approved details.

Reason: In the interests of the living conditions of neighbouring occupiers in accordance with



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Policy 10 of the Aligned Core Strategies and Policy DE1 of the Local Plan.

Regulatory/ongoing conditions

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

3. Use of the site as seven bed accommodation for vulnerable adults shall not be carried out and operated otherwise than in full accordance with the submitted management plan.

Reason: to ensure that satisfactory management arrangements are in place in accordance with Policy HO4 of the Local Plan.

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: Planning Layout reference fence plan, received 31 January 2024

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.



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RIGHTS OF APPEAL

Application No: 23/02071/PFUL3 (PP-12552489)

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 Planning Inspectorate website at <https://www.gov.uk/appeal-planning-decision>.

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 as soon as possible, 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.



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