

V/2018/0710 Bank House, Church Street, Sutton In Ashfield



Ashfield
DISTRICT COUNCIL
MAP SCALE 1: 1250
CREATED DATE: 9/1/2019

The following consultation responses have been received:

Resident Comments:

8x Letters of objection have been received from 7 local residents for each of the two applications, raising the following concerns:

- Noise disturbance to neighbouring residents
- Anti-social behaviour from the premises - users do not exercise respect for neighbours
- Overlooking impact
- Turnover of users much higher than when the site was used as a care home for the elderly
- Increased coming and goings – taxis to take residents to external activities, visitors, ambulances, delivery vans
- Smoking shelter not used by residents – residents congregate at the front of the premises
- Internal and external lighting a nuisance
- Increase in on-street parking
- Movement of office to garden shed to make way for additional bedrooms
- Outdoor space inappropriate size for use
- Unnecessary strain on local services – ambulance service, doctors, hospital
- Use at the premises operating since 2017
- Site located in a conservation area
- Previous condition imposed for a reason
- Proposed use not acceptable due to nature and patterns of the use and users
- Devaluation of property

Ashfield District Council Community Protection:

Whilst no objections have been raised in respect of the proposal, it is understood that the community protection team have received a number of complaints from local residents in respect of the premises and the operations undertaken there.

Such nuisance complaints have related to internal and external lighting, and noise.

Policy:

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2018:

Part 8 – Promoting Healthy and Safe Communities

Part 12 – Achieving Well Designed Places

Part 16 – Conserving and Enhancing the Historic Environment

Ashfield Local Plan Review (ALPR) 2002:

ST1 – Development

ST2 – Main Urban Area

EV10 – Conservation Area

HG8 – Residential Care Facilities, Houses in Multiple Occupation Bedsits, Flats and Hostels

Relevant Planning History:

V/1984/0288

Details: Residential home for the elderly

Decision: Conditional consent

Date: 05/06/84

V/1986/0343

Details: Alterations and extensions to form home for the elderly

Decision: Conditional consent

Date: 31/07/86

V/1987/0739

Details: Bedroom extensions and conservatory

Decision: Conditional consent

Date: 04/02/88

V/2002/0035

Details: Conservatory to rear

Decision: Unconditional consent

Date: 18/02/02

Comment:

These two applications seek consent for the removal of Condition 2 of planning permission V/1986/0343 and Condition 3 of planning permission V/1987/0739. These two conditions restrict the use of the premises, known as Bank House, for a residential home for the elderly only.

The proposed removal of the two conditions, would allow the premises to be used freely for any purpose falling within the C2 Use Class (Residential Institution). Such purposes would include the use of the property, amongst other things, as a residential care home. As previously defined in the Town and Country Planning (Use Classes) Order 1987 and subsequent amendments, care is defined as the:

“Personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or past or present mental disorder”

The applicant proposes to use the premises as a privately run, drug and alcohol rehabilitation centre, where residents are charged approximately £9000 for a 28 day period at the unit. This is not a drop-in health care service, and neither is it run or subsidised by the NHS. Residents at the unit undertake a vigorous pre-admission assessment, to ensure the centre can meet the needs of the patient, and a treatment contract is also signed by all users, which outlines the rules to be adhered to. Failure

to adhere to the rules will result in the immediate discharge of the resident from the premises and service.

The use of the premises as a drug and alcohol rehabilitation centre has been operating since August 2017, with the proprietor unaware that they were contravening previous planning conditions placed on the premises.

It is imperative to note, that the removal of the two conditions would not permit the use of the property to be used for purposes falling within the C2a Use Class (Secure Residential Institutions).

The application site is located within the main urban area of Sutton in Ashfield, where the principle of development is considered acceptable as set out within policy ST2 of the ALPR 2002. The site also falls within the designated Sutton in Ashfield Church and Market Place conservation area.

Principle of Development:

Permission was granted by the Local Planning Authority in 1984, under application reference V/1984/0288, for the change of use of the premises from C3 (Dwellinghouse) to C2 (Residential Institution). It would appear however that this application was superseded by an application received in 1986, under reference V/1986/0343, which sought permission for alterations and extensions to form a home for the elderly, which included re-applying for the change of use of the property. Conditions attached to this application, and succeeding application V/1987/0739 subsequently restricted the use of the site for any other purpose, other than for the use of a care home for the elderly, as applied for by the applicant at the time.

The condition, restricting the use of the premises, would have at the time been attached to the decision notices to give the Local Planning Authority the opportunity to assess any other proposed use within the C2 Use Class at the premises.

Any change in the type of care provided at the premises, such as the proposed for an alcohol and drug rehabilitation unit, is therefore required to be considered on its own planning merits.

Residential Amenity:

The premises in the past was used as a residential care home for the elderly. Essentially, there is no change in the operation of the use, with both the previous and existing proprietors, providing full-time residential care at the premises. The key change is the users of the residential care home.

A series of objections have been received from local residents in respect of the use of the premises as a drug and alcohol rehabilitation centre.

One of the main concerns raised is in respect of the noise generated by users of the centre, particularly in the summer months, when users frequent the garden space to

the rear. Concerns have also been raised that the garden space is not large enough to accommodate users.

A series of extensions, as detailed in the planning history, at the site has resulted in the garden space being reduced in size. The size of the garden is however no smaller than when the premises was used a care home for the elderly.

Prior to the centre being used for its current purpose, the premises had the provision to accommodate up to 11 residents. Following internal alterations at the property, which did not require planning permission, the applicant has confirmed that the centre now has the provision to accommodate 17 residents at any one time, across 11 single and 3 double bedrooms. Assumptions have been made by residents that a new office building to the rear of the property (which does not form part of this application), has been erected to create additional bedroom space internally. This is factually incorrect, with the old office space now comprising of a new group therapy room.

In regards to noise, whilst it is acknowledged that some noise may be generated from residents congregating in the garden space from time to time, all residents have a strict timetable to adhere too, as per the treatment contract. This involves a detailed schedule of daily activities, starting between 6:45-9:00am, and finishing between 21:00pm-21:30pm, with an hour for lunch and dinner. The provision of the weekly timetables subsequently reduces the likelihood of residents using the outdoor garden space for any prolonged periods of time, lessening noise nuisance to neighbouring residential occupiers.

After 12 months of trading at the premises, the applicant undertook a small survey with neighbouring residents to see if they had any concerns with the premises and its use. One resident raised the issue of noise from the garden area. Action was taken to resolve this complaint, by erecting signs in and outside the building asking users to respect neighbours and to keep their noise levels down.

Concerns have also been raised in regards to increased comings and goings to the site as a result of the use. As previously stated, residents stay at the premises for a 28-day period. Residents are not permitted to have a motor vehicle during their stay, and the majority of the daily activities timetabled take place at Bank House, or where external and not within walking distance, are accessed via pre-arranged taxis. It is reasonable to assume that these comings and goings by patients is similar to that previously experienced at the premises, whereby external activities, requiring the use of a vehicle, would have been organised for the residents.

The applicant has confirmed that visitors are welcome to the property, however this is strictly controlled to Sundays between the hours of 13:30pm-17:30pm only. These visiting times are greatly restricted in comparison to the visitor hours associated with the previous use as a care home for the elderly, where by visitors would have been permitted to visit on any day, at any time, within reason.

In regards to staff numbers, the use currently employs 23 members of staff. A number of the staff work on shift patterns of 7:30am-19:30pm, and vice versa, whilst the remainder of the staff work 9:00am-17:00pm. It can reasonably be assumed that the number of staff and shift patterns would be comparable to those when the premises was used as a care home for the elderly.

As such, any increase in comings and goings to the premises as a result of the proposed use is therefore considered to be negligible, when compared to what was previously experienced when the premises was used as a home for the elderly, and therefore is considered to have a minimal impact on the living conditions of neighbouring residents.

Objections have been raised in regards to the nuisance caused by the internal and external lighting at the property, and the subsequent impact on the amenity of neighbouring residents. Such matters are currently being investigated and dealt with by the Council's Community Protection team.

In regards to the internal lighting, it is has been raised that internal lights are left on inside the property 24/7, subsequently shining light into neighbouring properties, particularly during periods of darkness, resulting in a detrimental impact upon the living conditions, and health and well-being of neighbouring occupiers.

There is however a simple solution to this, which would involve the installation and use of blinds and/or curtains within the application premises at all windows, to reduce the transmission of artificial light from the property into that of neighbouring residents. This however could not be dealt with by way of planning condition, and would generally be dealt with under statutory nuisance legislation.

Furthermore, a number of external motion censored security lights have been installed to the external façade of the premises. These lights are also causing a nuisance to neighbouring residents. The Council's Community Protection team are currently investigating this issue, and have suggested a number of solutions to the issue, such as reducing the sensitivity of the lights, using lower wattage light bulbs, and possibly screening the lights from neighbouring properties.

The above are very minor changes which the applicant could undertake, which would drastically improve the living conditions of neighbouring residents. It is however considered that this issue is not directly related to the use of the site, and similar issues could easily transpire at the premises, even if used as a home for the elderly.

As part of the objections, it has been raised that the smoking shelter, erected to the western external elevation of the premises, is only used during periods of bad weather, with users otherwise utilising the area to the front of the property to

congregate to smoke. Whilst not ideal, it is considered that again this issue could occur at the premises regardless of use.

Highway Safety:

Concerns have been raised by residents in respect of increased on-street parking as a result of the use at the premises.

The applicant has confirmed that the site has the provision to accommodate four vehicles off-street, and also possesses four parking permits for use on the adjacent highway, known as Church Street, where on-street parking restrictions exist, limiting parking to a maximum of two hours, without a parking permit.

One of the issues raised in the 12-month survey with neighbouring residents was in respect of on-street parking, and the difficulties it was causing for local residents. The proprietor subsequently advised all staff to park in public car parks in Sutton town centre, away from the premises, to reduce on-street parking in the area. In addition to this, some staff have consequently taken to walking, car sharing or catching the bus to work.

Whilst on-street parking may be more apparent in the area on a Sunday, it is reasonable to assume that this is no greater than what would previously have been experienced when the premises was used as a care home for the elderly.

It is therefore considered that the proposed use of the premises does not give rise to any significant increase in on-street parking, above what would have previously been experienced.

Other Matters:

Whilst the application premises was once a residential dwelling, and is located within a predominantly residential area, it is considered that due to the extensive external and internal alterations, the property would be difficult to convert back to a C3 residential use.

Conclusion:

Whilst local residents have raised a series of objections to the proposal on various grounds, on balance, it is considered that the issues experienced by local residents as a result of the proposed use, is negligible in planning terms when compared to when the premises was used as a care home for the elderly.

Where problems do exist, for example the artificial light nuisance to neighbouring properties, these issues are considered easily rectifiable to improve the living conditions of neighbouring residents.

Furthermore, comments received from local residents suggest that when the manager of the centre is present, no unacceptable behaviour is seen to occur at the site. However when the manager is not present, this is the period in time in which the neighbouring residents appear to be experiencing issues with the use of the site.

Therefore, as such, it is considered that the use of the site as a drug and alcohol rehabilitation centre is not an issue, however the management of the premises is, which is not a material planning consideration.

Recommendation: Approve the Removal of Condition 2 of Application V/2018/0709 and Condition 3 of Application V/2018/0710