



Willis Lodge Care Home, St Thomas Avenue, Kirkby
M SCALE 1: 1250
CR TED DATE: 18/01/2021

COMMITTEE DATE 27/01/2021 **WARD** Kingsway

APP REF V/2020/0754

APPLICANT M Varley

PROPOSAL Smoking Shelter

LOCATION Willis Lodge Care Home, St Thomas Avenue, Kirkby in Ashfield, Nottinghamshire, NG17 7DX

WEB-LINK <https://www.google.co.uk/maps/@53.0962972,-1.2435369,18z>

BACKGROUND PAPERS A, B, C, E, K

App Registered 06/11/2020 Expiry Date 31/12/2020

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Grounds to ensure the proposal is determined in accordance with the submitted plans in the interests of residential amenity.

The Application

This is an application for a Smoking Shelter, located at Willis Lodge care home, St Thomas Avenue.

Consultations

Individual notification of surrounding residents has been undertaken.

ADC Environmental Health

The Environmental Health Team have received three complaints including one from a Local Councillor regarding noise coming from Willis Lodge Care Home residents in 2020. However, there was very limited action that could be taken in the circumstances. Having reviewed planning application V/2020/0754 for the proposed smoking shelter no objections are raised as it may reduce noise concerns.

ADC Community Protection

Following a full review of the plans ADC community protection are in support of the proposed plans.

The suggestions put forward should act as a further preventative measure to help reduce the alleged level of noise and its impact to local residents.

There are no wider concerns relating to anti-social behaviour as a result of these proposals.

Resident comments: 1 objection.

- The shelter is in close proximity to a neighbouring property, therefore there are concerns in respect of noise resulting from staff and residents outside during the evening late at night.

Policy

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

Ashfield Local Plan Review ALPR 2002

ST1 – Development

ST2 – Main urban area

National Planning Policy Framework NPPF 2019

Part 2 – Achieving sustainable development

Part 12 – Achieving well designed places

Relevant Planning History

- V/2017/0625 – two detached outbuildings, 1st floor extension, ground floor extensions, revised car parking and associated works (approval).
- V/1986/0122 – extension for office (refusal).
- V/1984/0770 – extensions and alterations to form rest home for the elderly with maintenance facilities (approval).
- V/1984/0539 – change of use to rest home for the elderly (approval).

Comment :

The applicant seeks full planning consent for a smoking shelter sited at Willis Lodge care home, located within Kirkby in Ashfield.

Previous discussions have been undertaken between the Council, Willis Lodge care home management and residents in respect of noise breakouts that have caused a number of complaints.

The proposed smoking shelter has been designed to lessen the impact of potential noise and disturbances resulting from service users going for a cigarette.

The main issues to consider in this application are the:

- Principle of development;

- Character and appearance of the area; and
- Residential Amenity;

Principle of development:

The application site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas. The proposal would comply with this policy.

Character and Appearance of the area:

The proposed shelter is to be located to the rear of the care home set on the boundary of St Thomas Church. Public views of the shelter will be less visible from St Johns Avenue as the existing outbuildings to the rear of the care home will screen the proposal. Along the boundary of the church lies a brick wall and fencing which will further help to screen the proposed shelter. The proposal will be less visible from St Thomas Avenue as the shelter is set approximately 30m to the rear of the site. The proposed shelter includes a leaning felt roof with timber walls and railings.

The proposal would conform with Part 12 – Achieving Well Designed Places of the NPPF 2019, which seeks to ensure that developments add to the overall quality of an area, and are sympathetic to local character and history, including the surrounding built environment.

Residential Amenity:

The application has been considered against the requirements of paragraph 127 of the Framework, which seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users. Consideration has also been given to the requirements of policy HG5 of the ALPR 2002, which states that residential development will be permitted where the amenity of neighbouring properties is protected.

The proposed shelter has been positioned on the boundary of the church to the rear of the site. The shelter is screened by an existing outbuilding to the rear of the site and a brick wall and fencing along St. Johns Avenue and it is considered that this will reduce the impact of potential noise breakouts for properties on the opposite side of St Johns Avenue. The siting of the shelter is positioned on the eastern side of the care home building, away from properties along Crocus Street and set back from St Thomas Avenue to lessen any potential noise impact. The siting of the shelter has been designed to reduce potential complaints resulting for possible noise breakouts.

Conclusion :

The proposed siting of the shelter has been designed as a preventative measure to help reduce the alleged level of noise and its impact to local residents and it is subsequently recommended that this application is granted conditional consent.

Recommendation: - Approval – Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans: site location plan 1:1250 and existing block plan 1:500, proposed block plan 1:500 No. 480(01)-01, proposed elevations and floor plans 1:50 No. 480(01)-02 (received 05/11/2020). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**

REASONS

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**
- 2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.**

INFORMATIVE

- 1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).**