

28 February 2023**Agenda Item 6****REPORT OF INTERIM CORPORATE DIRECTOR, PLACE****ASHFIELD DISTRICT REF. NO.: 4/V/2023/0029**

PROPOSAL: SECURITY SHUTTERS AND SOLAR PANEL INSTALLATION

LOCATION: THE MILL ADVENTURE BASE, KINGS MILL RESERVOIR, SHERWOOD WAY SOUTH, SUTTON IN ASHFIELD, NOTTINGHAM, NG17 4PA

APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL CHILDREN AND FAMILIES

Purpose of Report

1. To consider a planning application for the installation of security shutters and roof-mounted photovoltaic panels at The Mill Adventure Base, Kings Mill Reservoir, Sutton in Ashfield. The key issue relates to the design and appearance of the roller shutters. The recommendation is to grant planning permission subject to the conditions set out in Appendix 1.

The Site and Surroundings

2. The Mill Adventure Base is located on the southern side of Kingsmill Reservoir leisure lake and Local Wildlife Site. Vehicular access is from the A617, 220m to the east of the junction with the A38. A 75-space car park is provided for public access to the reservoir which has a circular lakeside path, and is located to the west of the Mill Adventure Base. Beyond the car park is a sailing club that has been subject to a recent planning permission for its demolition and the building of a new leisure/restaurant building (Ashfield DC permission V/2022/0771 – February 2023). Ashfield District Council has also granted planning permission for a 183-space car park on land to the west of the existing car park (V/2020/0571 – January 2021). The car park has not yet been built.
3. A railway runs in cutting along the eastern site boundary of The Mill Adventure Base. The railway is crossed by a footbridge which carries Sutton in Ashfield Bridleway 175, 240m to the north-east of the Mill Adventure Base building (Plan 1).
4. The Mill Adventure Base principally offers outdoor including water based and climbing activities to children in a controlled environment, and also includes a public café. The café is accessed from the lakeside path across a bridged ditch and security fencing prevents access to the building approach outside of opening times (Photo 1). Glazing in the café is recessed below a projecting roof

(Photo2). The lakeside path can be accessed by the public at all times. A roller shutter door is installed on The Mill Adventure Base boat storage building adjacent to the café and is visible from the lakeside path.

5. 306 photovoltaic (PV) panels are installed on the roof of the main Mill Adventure Base building, excluding the roof of the boat storage building and above the café.



Photo 1: View from lakeside path



Photo 2: Café entrance

6. Nearby heritage assets are: Hamilton Hill – a Scheduled Ancient Monument mound 540m to the south-east and south of the A617; Kings Mill railway viaduct Scheduled Ancient Monument and Grade II Listed Building 470m to the north-east; and Hermitage Mill (recently fire damaged) and adjacent railway bridge, both Grade II listed buildings 800m to the north-east (Plan 2).

Background

7. The roller shutter proposal is a response to the building having been subject to vandalism/attempted break-in with windows having been broken. The Centre intruder alarm has been activated in April, October and December 2022, with four activations in January 2023.

Date	Event	Action
1 March 2022	Break-in	3m x 1m window boarded up
9 March 2022	Attempted break-in	Broken window boarded up
15 March 2022	Attempted break-in	Broken window boarded up

Table 1: Recorded intruder incidents

Proposed Development

8. Planning permission is sought to install two full height roller shutters fixed to an existing steel beam, with guide rails concealed in existing cedar panelling. The shutter box would be concealed behind cedar fascia panelling within the canopy line. When drawn down the shutters would enclose external alcoves and protect the glass frontages to the café area. In addition, a shutter with an externally

mounted box would be installed above a smaller recessed café window (to the left when viewed from the lakeside) and would be drawn down to protect the glazing.

9. The shutters and box would be coloured blue to match existing rainwater goods and when drawn down would not be perforated or provide visibility into the building beyond. The security shutters would offer protection to glazing which has been the subject of vandalism when the café is closed (Plan 3).
10. It is also proposed to install an additional 233 PV panels on the boathouse and café to cover the majority of the remainder of the Mill Adventure Base roof. The panels would be mounted on a frame flush with the roof pitch and at closest 0.3m from the roof edge (Plan 4).
11. The proposed installation would generate 76.5kWp and in addition to the electricity generated by the existing panels would be used to power electrical vehicle charging points for the Base minibus fleet with any surplus electricity produced being fed to the National Grid.

Consultations

12. **Ashfield District Council** – Objection. *The installation of external roller shutters (the shutter box would also be externally mounted) is considered be of visual detriment. The installation of internal security measures, which are an alternative solution to achieve the same ends as an external shutter, would be less harmful to the character of the area. No substantive evidence appears to have been provided to evidence break in attempts.* [Note: the information provided at Paragraph 7 and in Table 1 has been subsequently provided by the applicant.]
13. *The planning process should seek to raise the design quality of buildings and places to create an attractive environment at all times of the day to assist with attracting visitors to an area. Roller shutters make an area less attractive and can create a feeling of hostility and foster a perception of criminal activity which can lead to less footfall. Internal security measures can also provide visibility into a premises, whereas external shutters can mask activity inside.*
14. **NCC Historic Buildings** – No objection. *The new PV scheme will double the areas of roof covered to almost 100%. The impact of the extra area of PV will have a virtually imperceptible impact in views from Hamilton Hill (Scheduled Ancient Monument). There will be a visual impact, but not a very significant one from the perspective of the setting of the Viaduct.*
15. **Police Force Architectural Liaison Officer** – No response received.

Publicity

16. The application has been publicised by means of site notices in accordance with the County Council's adopted Statement of Community Involvement.
17. Cllr Samantha Deakin has been notified of the application.
18. No representations have been received.

Observations

19. Ashfield Local Plan Review (November 2002) (ALP) Saved Policy ST1 *Development* will permit development that does not (amongst other criteria) adversely affect the character, quality, amenity or safety of the environment. The representation by Ashfield District Council identifies the installation of external roller shutters to be visually detrimental. Visual impact might be given additional weight in a location where there would be greater footfall in close proximity to the building when the shutters are drawn down, a typical example being in the evening on a high street. In such locations the use of internal or mesh/grill type shutters might be preferred providing both security and an ability to see shop displays within, retaining a sense of an active retail frontage. In this instance the driver behind the application is to address acts of vandalism/attempted break-in and fencing may not deter intruders. A grill-type external shutter or internal security shutter would not fully address the risk to the café glazing, and is not the development subject of this application.
20. When the café is closed the gate giving access from the lakeside path would also likely to be shut. The drawn down shutters would be viewed from a distance of 16m (at closest) by walkers using the lakeside path. Viewed in the context of the Mill Adventure Base building the two larger shutters are not considered to give rise to unacceptable visual harm, while the smaller recessed shutter would not be visually prominent, and the style of shutter would be consistent with that already installed at the boat storage building adjacent. The industrial appearance of the shutters, when drawn down, could be reduced, for example, by the application of artwork or decals appropriate to the location or activities at the Mill Adventure Base but may be subject to Advertisement Consent that needs to be obtained from Ashfield District Council (Note 1).
21. The roller shutter box of the two larger shutters would be concealed behind the cedar cladding fascia. Although an externally mounted box would be installed over a window (left-hand side as viewed) that window is recessed, and the external box would not be visually prominent. The proposed colour of the shutter and box to match the colour of existing rainwater goods is considered to be acceptable and no additional details are required by planning condition.
22. A significant area of the existing Mill Adventure Base roof is already covered by PV panels. If sited more than 1m from a roof edge the PV panels would be permitted and not require an express grant of planning permission. Public views of the building roof are limited and from distance; either the bridge crossing the railway line 240m to the north-east (Photo 3) or across the southern end of the lake (Photo 4). It is also considered that the additional PV panels would not harm the setting of heritage assets and that development would be in compliance with ALP Saved Policy EV11 *Ancient Monuments and*

Archaeological Sites which will permit development (amongst other criteria) where the setting of a Scheduled Ancient Monument would be preserved. Similarly, the development would not harm the setting of listed buildings in compliance with ALP Policy EV13 *Setting of Listed Buildings*.



Photo 3: View from the north-east



Photo 4: View across Kings Mill Reservoir

23. PV panels are an increasingly common sight in the built environment, and any public views would reinforce the sustainable credentials of the site. Although to be sited close to the edge of the building, the proposed PV panels would not detract from local amenity and this element of the proposal is welcomed.
24. Overall, the proposals are considered acceptable in context and accord with the Development Plan, and the recommendation is to grant planning permission for the works subject to conditions.

Other Options Considered

25. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly, no other options have been considered.

Statutory and Policy Implications

26. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, the safeguarding of children and adults at risk, service users, smarter working, and sustainability and the environment, and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

27. The Mill Adventure Base benefits from perimeter fencing with a drainage ditch providing physical separation between the café and lakeside path. However, instances of vandalism/attempted break-in have been experienced and the

provision of roller shutters would provide additional security to the building and its external glazed areas.

Data Protection and Information Governance

28. Given that no representations have been received from the public, it is considered that no data protection issues have been raised.

Human Rights Implications

29. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Financial Implications

30. The provision of greater building security may reduce incidence of vandalism with reduced cost of repair to the County Council.

Implications for Sustainability and the Environment

31. These have been considered in the Observations section above.
32. There are no Human Resources, Public Sector Equality Duty, Safeguarding of Children and Adults at Risk implications or implications for Service Users.

Statement of Positive and Proactive Engagement

33. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. Issues of concern have been raised with the applicant and addressed through negotiation and acceptable amendments to the proposals. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

34. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

DEREK HIGTON

Interim Corporate Director – Place

Constitutional Comments

35. Planning and Rights of Way Committee is the appropriate body to consider the contents of this report by virtue of its terms of reference set out in the Constitution of Nottinghamshire County Council

[JL 10.02.2023]

Financial Comments

36. There are no specific financial implications arising directly from this report.

The provision of greater building security may reduce incidence of vandalism with reduced cost of repair to the County Council.

[SES 07.02.2023]

Background Papers Available for Inspection

The application file is available for public inspection by virtue of the Local Government (Access to Information) Act 1985 and you can view them at:
www.nottinghamshire.gov.uk/planningsearch/plandisp.aspx?AppNo=FR3/4473

Electoral Division and Member Affected

Sutton Central & East

Cllr Samantha Deakin

Report Author/Case Officer

David Marsh

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For any enquiries about this report, please contact the report author.

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