

PLANNING COMMITTEE – 20 October 2020

REFERENCE NUMBER: 20/00570/FL **Application Expiry Date:** EoT until 23/10/20
Application Type: Full application

Proposal Description: Construction of cabin as holiday let within grounds (Private Drainage System)

At: Brockhurst Mill, Mill Lane, Brockhurst, Ashover, S45 0HS

For: Mr Harry Caldicott

Third Party Reps: **Parish:** Ashover
2 obj, 1 support

Ward Name: Ashover

Author of Report: Emily Cartwright

Date of Report: Thursday 1st October 2020

MAIN RECOMMENDATION: CONDITIONALLY APPROVE

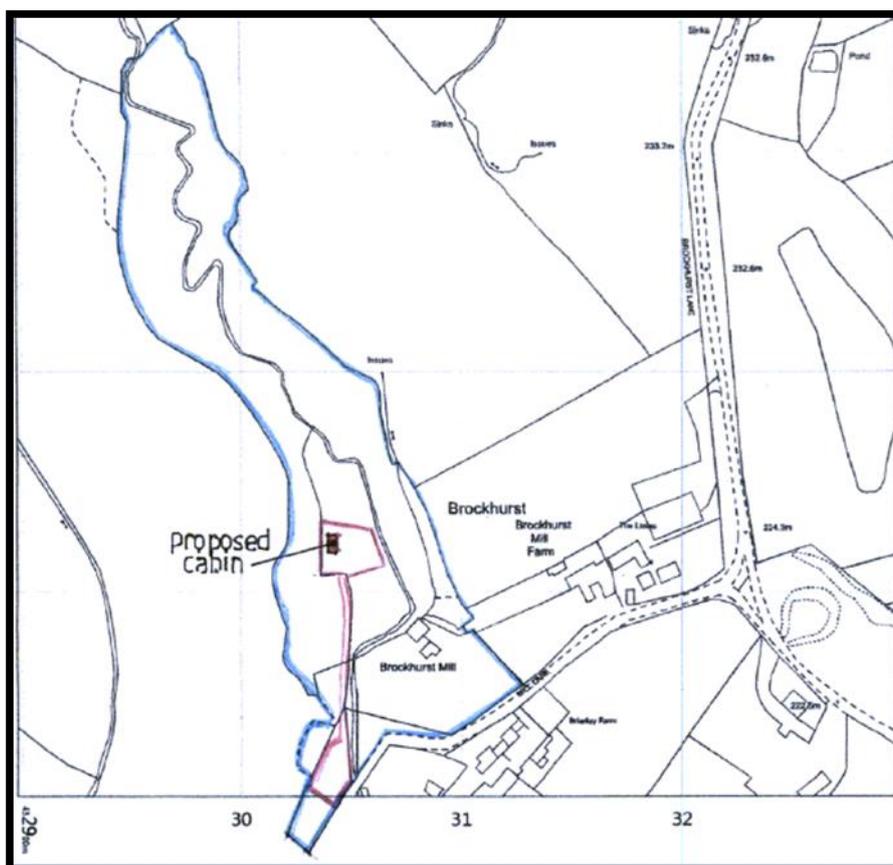


Fig 1: Site Location Plan

1.0 Reason for Report

- 1.1 Local ward member, Councillor Armitage has formally requested that the application be considered by members of planning committee as the proposed development is inappropriate development contrary to the Ashover Neighbourhood Plan.

2.0 Proposal and Background

Site Description

- 2.1 The application site relates to an area of grassland to the north west of Brockhurst Mill; a detached converted stone Mill which has recently been extended and updated into a family home.
- 2.2 The area of improved grassland traditionally used to graze livestock forms a relatively flat parcel of land to the east of Smalley Brook, which runs in a north/south direction through the site. To the east of this lies a tree covered slope and Public Right of Way (PRoW 111) above which follows the direction of the Brook past the Mill Pond towards Brockhurst.
- 2.3 To the west, the site is enclosed by a dry stone wall and the land steeply slopes up away from Smalley Brook. This forms a secondary broad-leaved woodland which forms part of the designated Local Wildlife Site (Ref: NE012) which covers the site.
- 2.4 Due to the topography, views of the site are not possible from the highway or neighboring properties.
- 2.5 The site is located within open countryside which is designated as a Special Landscape Area.

Proposal

- 2.6 Full permission is sought for the construction of one, two bedroom log cabin to be used as a holiday let within the grounds of Brockhurst Mill.
- 2.7 The proposed chalet style timber cabin would measure externally 13m by 6m, with a ridge height of approximately 2.5m and be constructed from Oak with stone slate roof. The western roof elevation would feature solar panels and the cabin would be served by a cesspit.
- 2.8 The site would be utilise the existing access point off Mill Lane, to the west of the bridge and main access to Brockhurst Mill. A turning area and two designated off road parking spaces would be provided for the proposed holiday let users.

- 2.9 Access to the proposed cabin would be taken along a footpath constructed from a mixture of gravel stones and boardwalk through the woodland.
- 2.10 The application is accompanied by a Design and Access Statement and an Ecological Appraisal Report.

3.0 Relevant Planning History

- 3.1 93/00014/FL – Conversion of existing mill building to form one dwelling (Conditionally Approved - S106)
- 3.2 97/00016/FL – Erection of a garage/store (Refused)
- 3.3 99/00017/FL – Erection of double garage/store (Refused)
- 3.4 17/01008/FL – Application for two storey and single storey extensions (affecting footpath 111) (Conditionally Approved)

4.0 Consultation Responses

- 4.1 The **Parish Council** considers that whilst the Ashover Parish Neighbourhood Plan supports local businesses, the Parish Council expressed concern at proposals for drainage and waste removal and the impact on wildlife due to a proposed pathway through a wildlife site.
- 4.2 The **Ward Member** called the application into committee on the grounds that development would be inappropriate and contrary to the Ashover Neighbourhood Plan.
- 4.3 County **Highways Authority** confirmed that whilst the access and single width highway is not an ideal situation for a single holiday let (which it is considered generates fewer vehicular movements than a permanent residence), it is considered it could be difficult to justify and sustain an objection on highway safety grounds, or meet the test of 'severe', as referenced in the National Planning Policy Framework. No objection is raised subject to conditions.
- 4.4 **Derbyshire Wildlife Trust** (DWT) have reviewed the Ecological Appraisal prepared by Armstrong Ecology Ltd, dated July 2020 and have confirmed that providing the mitigation and enhancement works are fully implemented they consider that the impact is unlikely to result in a net loss of biodiversity and the impacts of the Local Wildlife Site will be minimal. No objection is raised subject to conditions
- 4.5 **Environmental Health** (EHO) were consulted, however no comments have been received.
- 4.6 **NEDDC Drainage** were consulted, however no comments have been received.

4.7 **Severn Trent Water** (SW) were consulted, however no comments have been received.

5.0 Representations

5.1 The application was publicised by way of neighbour letters and the display of a site notice. A number of material objections and a letter of support have been received from three neighbours which can be summarised as follows:

Objections:

- It is a statutory requirement that planning applications are determined in accordance with the Development Plan. The application conflicts with a number of policies in particular Policy E11 of the Local Plan.
- This is no evidence to suggest that there is a shortfall in holiday accommodation in the local area.
- Concern is expressed that in the future there will be pressure to use the property as a dwelling without any restrictions on occupancy.
- It is noted that Policy WC7 of the emerging Local Plan allows for new tourism development, however the emerging Local Plan has been delayed and its adoption is way off. Consequently, little weight should be attributed to Policy WC7.
- Policy AP2 of the ANP allows for development in the countryside, if it supports the local economy. Paragraph 83 of the National Planning Policy Framework 2019 (NPPF) also states that planning decisions should enable sustainable rural tourism, but only if it respects the character of the countryside. For the reasons given in detail below, it is contended that the environmental impacts of the proposal on the character of the area significantly outweigh any benefits to the local economy (which are likely to be limited in any event).
- The proposal will introduce new built development, plus ancillary domestic paraphernalia and activities (such as BBQs, hot tubs, play areas and lighting) subsequently changing the appearance of the area.
- The proposed cabin and its curtilage will be highly visible from the public right of way and will have an urbanising effect that makes the use of the public right of way less enjoyable.
- The proposed parking area and footpath will be visually intrusive and environmentally harmful in what is a highly prominent and environmentally sensitive position, close to the road frontage and existing stream.
- It is difficult to see how the parking area and footpath can be constructed without the removal of trees and other vegetation.
- The line of the proposed route in the ecology assessment is different to that shown on the site plan.
- The site is located within a SLA, Policy NE2 only permits development that does not materially detract from the surrounding landscape. Protection of the landscape is a key requirement of AP13 too. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the local environment. The proposal conflicts with both the existing and emerging Development Plan and should be refused.
- The site of the building is described in part as 'improved grassland'. However, my client points to the recent removal of trees and vegetation around the

perimeter of the site and the impact this may have had on biodiversity, particularly as work was carried out during the nesting season and accelerants were used to burn the wood. Other recent works included the widening of the stream, which my client states resulted in sand and other debris being deposited in the water and the disappearance of small fish. There is no guarantee that further work within the LWS will not be carried out in a manner that will be harmful to biodiversity in the area. [*Officer note: previous works undertaken within the LWS are not material to the determination of this application.*]

- Policy NE3 states that planning permission will not be granted for development that is harmful to flora and fauna, unless adequate mitigation measures are put in place. This is consistent with paragraphs 174-177 of the NPPF and policy SDCS4 of the emerging LP. It is questionable as to whether the application proposal will achieve this.
- Given the relatively small scale nature of the development, it is unlikely that the proposal will make any significant impact on the local economy in terms of job creation or local spending.
- Whilst each proposal has to be considered on its own merits, it is contended that approval will create a precedent for further ad-hoc developments of a similar nature in the countryside, and cumulatively will have an adverse effect on the rural character and landscape of North East Derbyshire.
- I object on the basis of local knowledge of the site. The main reason for my objection is the proposed access pathway runs alongside Smalley Brook which is a contributor to the river Amber. The pathway route encroaches onto a designated Derbyshire Wildlife site (SDC4) and this preserved site also includes the proposed cabin location. The site is greenfield and I understand historically, that this has an agricultural holding. Any development would require access for builders and if the proposed route is the same route as proposed for occupant access, would destroy the local fauna and wildlife adjacent to the brook, as this would require a more substantial roadway.

Letter of support:

- Since the occupant purchased Brockhurst Mill, a few years ago, it has been a pleasure to see their sympathetic restoration of the property and the surrounding land. Their efforts have extended to noticeably improving the public right of way through the property, which has been a real joy for not only myself but many other local ramblers. The proposed cabin, located in the grounds of the property will be a wonderful addition to Brockhurst Mill which I have little doubt will be constructed in a similarly sympathetic and eco-friendly manner. I have no concerns that the addition of the holiday cabin will make using the public right of way less enjoyable, quite the contrary.

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2005)

- 6.1 The following policies of the Local Plan are material to the determination of this application:

GS1 Sustainable Development

- GS6 Open Countryside
- E11 Tourism Accommodation
- NE1 Landscape Character
- NE2 Special Landscape Area
- NE3 Flora and Fauna
- NE5 Other Sites of Importance to Nature
- NE6 Development Affecting Nationally Rare Species
- NE7 Protection of Trees and Hedgerows
- BE1 General Design Principles
- T2 Highway Access and the Impact of New Development
- T9 Car Parking
- CSU4 Surface and Foul Water Drainage

Emerging North East Derbyshire Local Plan (Under Examination)

6.2 The emerging Local Plan (eLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in the autumn with Plan adoption by the end of 2020.

6.3 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.

6.4 The following emerging Local Plan policies are material to the determination of this application:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- WC7 Tourist Accommodation in the Countryside
- SDC2 Trees, Woodlands and Hedgerows
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place Making

Ashover Neighborhood Plan

6.5 The Ashover Neighborhood Plan (ANP) was adopted on 9 February 2018. The following policies should carry weight in any decision:

- AP2 Development Proposals Outside SDL's
- AP11 Design
- AP13 Landscape Character
- AP15 Important Trees and Hedgerows
- AP17 Renewable Energy and Low Carbon technology
- AP19 Dark Skies

National Planning Policy Framework (NPPF)

- 6.6 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

Other Material Planning Considerations

- 6.7 Successful Places Interim Planning Guidance, adopted December 2013.

7.0 Planning Issues

Principle of Development

- 7.1 The proposed site is located outside of any defined Settlement Development Limit (SDL), falling within a countryside location, designated as a Special Landscape Area.
- 7.2 Local Plan Policy GS1 states that all development proposal will be located within the defined SDL's, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated. The purpose of the SDL's is to restrain development in the countryside and to focus development upon sites within the SDL's and/or allocated sites to achieve a sustainable pattern of development.
- 7.3 Policy GS6 states that new development will only be supported where it is in keeping with the character of the countryside and should not represent a prominent intrusion into the countryside.
- 7.4 Policies NE1, NE2, NE3, NE5 and NE6 states that development will only be permitted where it would not materials detract from the surrounding landscape, not adversely affect the setting of any heritage or wildlife resources.
- 7.5 Policy E11 states that proposals for new tourist accommodation in countryside locations will be permitted where they involve the re-use and conversion of existing buildings or extension of existing tourist facilities only.
- 7.6 Some of the saved Local Plan Policies above are more restrictive than the aims of the NPPF and the emerging policies contained in the eLP. Specifically E11 is considered to be out of date and should therefore should be given significantly reduced weight.
- 7.7 The Council is now at an advanced stage in the production of a new Local Plan which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly

the Council's strategy for sustainable development and should be afforded weight in decision making.

- 7.8 Policies WC6 and WC7 of the Emerging Local Plan considers District wide visitor economy and tourist accommodation in the countryside. Proposals will be supported where they can demonstrate that a rural location is appropriate, is easily accessible, is appropriate to the site in terms of its scale, design or materials; and respects the character and appearance of the open countryside. These policies are more aligned with the NPPF and should carry weight in the decision process.
- 7.9 New visitor accommodation will be permitted where it is not used for permanent residential occupation and supports future business viability or is in accordance with countryside policies. New chalets, will be permitted where they are adequately screened all year round, laid out in a manner which would not adversely affect the character of the area, the materials and colour along with any infrastructure is appropriately designed to reduce the visual impact of the proposed development and does not significantly adversely affect the amenity of local residents.
- 7.10 The Ashover Neighbourhood Plan (ANP) was made on 26th February 2018, and now carries full weight in the decision process. Policy AP2 is relevant to this development as the policy states that outside of the settlement limits of Ashover, Kelstedge and Littlemore it will be treated as open countryside. Policy AP2 seeks to protect the countryside.
- 7.11 Paragraphs 83 and 84 of the National Planning Policy Framework (NPPF) states that decisions should enable the sustainable growth and expansion of all types of business in rural areas through well designed buildings and the development and diversification of land based businesses. The NPPF also states that it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads.
- 7.12 The NPPF also states that decisions should enable sustainable rural tourism developments which respect the character of the countryside. Paragraph 84 goes onto state that in rural areas it is important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
- 7.13 In principle, holiday let accommodation on this site is considered acceptable.

Design and Landscape Considerations

- 7.14 The application site is rural in character, comprising of an area of grassland within a wooded valley to the west of Smalley Brook and north west of Brockhurst Mill; the application dwelling. The surrounding street scene of features stone constructed dwellings and farms, served by narrow lanes bounded by open countryside.

- 7.15 The site plan illustrates that the proposed log cabin would be set back from the highway (approximately 95m) behind an existing mound. Due to the topography of the land, and the mixed woodland area to the west views of the proposed log cabin would only be possible from the public right of way (Prow 111) to the east of the site, through existing trees.
- 7.16 It is considered that the log cabin would be of a modest scale, designed sympathetically to the surrounding countryside setting with the use of high quality materials. Its siting to the west of the site, would ensure that the log cabin is read in context with the woodland surroundings.
- 7.17 Given the countryside and Special Landscape setting of the site, it is important that hardstanding and boundary treatments on site are kept to a minimum in order to retain the open nature of the site and character of the countryside and Special Landscape setting. As such, suitably worded conditions can be included on any decision.
- 7.18 In view of the above, it is considered that due to the context of the site, the log cabin is not easily replicated. The proposed log cabin would be of high quality design which will respect the rural character of Brockhurst and the Special Landscape Area.

Privacy and Amenity Considerations

- 7.19 The layout plan indicates that the log cabin would be sited approximately 80m away from the closest neighbouring property, providing an acceptable distance in terms of potential overlooking, loss of privacy and noise disturbance.
- 7.20 In view of the above, it is considered that a single log cabin could be satisfactorily accommodated within the site without giving rise to any loss of privacy and amenity to neighbouring residents.

Highway Safety Considerations

- 7.21 The proposal is for a single two bedroom detached log cabin. The site plan demonstrates that the existing access off Mill Lane would be utilised, and two parking spaces and a turning area would be provided to serve the holiday let accommodation.
- 7.22 The County Highways Authority was consulted on the proposal, who accepted that whilst the highway network in the vicinity comprises of generally single vehicle width, and the visibility from the access not been ideal, a single holiday let would be difficult to justify or sustain an objection highway safety grounds. The HA raise no highway objection subject to the inclusion of conditions.

- 7.23 In view of the above, it is not considered that the proposed development would lead to a demonstrable harm to highway safety.

Ecology and Biodiversity Considerations

- 7.24 The application site is covered by Local Wildlife Site NE012. As such the applicant has provided an Ecological Appraisal prepared by Armstrong Ecology Ltd, dated July 2020 to accompany the application.
- 7.25 The submitted plans show that the log cabin would be located at least four metres from the western edge of the improve grassland in order to avoid the woodland plant species present (bluebell and yellow pimpernel) present on the interface with the woodland to the west.
- 7.26 Derbyshire Wildlife Trust (DWT) have reviewed the submitted details, and consider that it provides sufficient information in assessing the potential impact of the proposal on biodiversity.
- 7.27 DWT note that the proposed cabin is located in an area of improved grassland and it will not directly impact on the secondary broad-leaved woodland for which the LWS is primarily designated. It is also noted that the car park is also located outside of the LWS, at the edge of the woodland.
- 7.28 Access to the cabin is along a proposed footpath and though there may be minor impacts from the construction of the path and boardwalk, DWT do not consider that these are likely to be significant and they will be temporary in nature. It is acknowledged that there will be an increased human presence adjacent to the woodland, but as this is only one cabin and access is on foot it is deemed to be relatively minor. However it is appreciated that the routing of this path should align with that put forward by the applicant's ecologist and agreed with DWT, as such a condition should be included in any decision to ensure that the agreed pedestrian route it provided on site to safeguard any ecological features on site.
- 7.29 In terms of lighting, minimal details have been provided and due to the Ashover Dark Skies and countryside wildlife site setting it is considered necessary to include a suitably worded condition to control any external lighting.
- 7.30 In view of the above, it is considered that provided the mitigation and enhancement works are fully implemented that the impact of the proposed development is unlikely to result in a net loss of biodiversity and that impacts on the Local Wildlife Site will be minimal.

Other Considerations

- 7.31 The application site is within Flood Zone 1, which has a low probability of flooding.

- 7.32 The site plan demonstrates that proposed log cabin would be served by a private drainage system in the form a cess pit. NEDDC Drainage and EHO have been consulted, however no comments have been received. Due to the limited details provided, it is considered necessary that an appropriately worded condition is added to any decision.
- 7.33 The application site lies within a Development Low Risk Area as defined by the Coal Authority.

8.0 Summary and Conclusion

- 8.1 Having taken into account all the material considerations, it is considered that the proposed development is acceptable in principle and would have an acceptable impact upon the character of the countryside and Special Landscape Area.
- 8.2 The proposed development would not result in an adverse detrimental impact upon the privacy and amenity of nearby residential properties or neighbouring land uses, nor would it lead to an adverse impact upon highway safety or lead to a loss of net biodiversity.
- 8.3 It is therefore considered that the proposed development would be in line with the emerging local plan policies of the Council and the overarching aims of the NPPF, therefore the proposal should be granted subject to conditions.

9.0 Recommendation

- 9.1 APPROVE Permission for the above reasons, subject to the following conditions:-

Conditions

1. The development hereby permitted shall be started within 3 years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. Notwithstanding the submitted details, before any above ground work commences, details of the pedestrian route from the parking area to the holiday let shall be submitted to and approved in writing by the Local Planning Authority. The final routing shall be based on the recommendations of the Ecological Appraisal prepared by Armstrong Ecology Ltd and agreed with Derbyshire Wildlife Trust. The approved pedestrian route shall then be implemented in full in accordance with the

approved details and retained free from impediment for the lifetime of the development.

4. Before any above ground works starts, precise specifications (including the manufacturer, range and colour details where applicable) of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
5. Notwithstanding the submitted details, before any above ground works starts, details of the existing ground levels, proposed finished floor levels of the dwellings, along with the proposed finished ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
6. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order) no extensions (Part 1, Class A), dormer windows (Part 1, Class B), alterations to the roof (Part 1, Class C), porches (Part 1, Class D), curtilage buildings (Part 1, Class E), and means of enclosure (Part 2, Class A) shall be erected/constructed without first obtaining planning permission.
7. Before any other operations are commenced, the existing access to Mill Lane shall be modified in accordance with a drawing first to be submitted and approved, in writing, by the Local Planning Authority demonstrating a minimum access width of 5.0m for a minimum distance of 5m into the site, laid out, constructed and provided with maximum achievable visibility splays in both directions from a distance 2.4m back from the carriageway edge for a distance of 27m in both directions. The area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.
8. The proposed cabin shall not be taken into use until such time as space has been laid out within the site for the parking and manoeuvring of vehicles such that they may enter and leave the site in a forward gear. The off-street parking space shall have minimum dimensions of 2.4m x 5.5m clear of any manoeuvring area.
9. There shall be no gates or other barriers on the access unless otherwise agreed in writing by the Local Planning Authority or prior to any works commencing, the applicant shall submit and have approved, in writing, by the Local Planning Authority a revised parking layout demonstrating that any gates could open/close without interfering with parking/manoeuvring.
10. The cabin shall be used as a holiday let only and shall not be sold, sub-let or let to be occupied on any other basis.

11. The development shall be carried out in strict accordance with the mitigation strategy/measures detailed in sections 4 and 5 of the Ecological Appraisal Report (Armstrong Ecology Ltd, July 2020), with any amendments agreed in writing with the Local Planning Authority.
12. No removal of vegetation shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
13. Prior to the occupation of the holiday let hereby approved, a detailed external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved external lighting strategy shall then be implemented in full prior to the first occupation of the holiday let and retained as such thereafter for the lifetime of the development.
14. Before development starts, details of the package treatment drainage plant, including the precise location and specification, shall be submitted to and approved in writing by the Local Planning Authority. The approved treatment plant shall then be installed prior to the first occupation of the holiday let hereby approved and shall be maintained as such thereafter.
15. Notwithstanding the provisions of Part C, Class C3 "Dwelling House" to the Schedule of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

The property shall not be occupied by any persons for a total period exceeding 28 days in any calendar year.

The owner shall maintain a register of occupiers for each calendar year including names, addresses and length of stay, and a copy of the register shall be supplied to the Local Planning Authority by 31st January each year.

Notes:

- DISCON note
- NMA note
- Low risk coal note
- The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

- Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- The applicant should be aware of a Public Right of Way (Footpath 111 on the Derbyshire Definitive Map for the area) that runs through land indicated as being in the ownership/control of the applicant. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190.
 - Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
 - If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- The applicant is advised of the importance of ensuring that the facility is managed in an appropriate manner so as not to cause nuisance to any nearby noise sensitive premises. Should any complaints be received in relation to potential nuisance the Local Authority have a duty under the Environmental Protection Act 1990 to investigate and where a statutory nuisance is found to exist, or may occur there is an obligation to serve an abatement notice.