

<b>Report To:</b>	<b>Planning Committee</b>	<b>Date:</b>	<b>25 November 2020</b>
<b>Heading:</b>	<b>PLANNING APPEAL DECISIONS</b>		
<b>Portfolio Holder:</b>	<b>PLACE, PLANNING AND REGENERATION</b>		
<b>Ward/s:</b>	<b>ASHFIELDS, CENTRAL AND NEW CROSS, HUCKNALL SOUTH, STANTON HILL &amp; TEVERSAL, SUMMIT</b>		
<b>Key Decision:</b>	<b>No</b>		
<b>Subject to Call-In:</b>	<b>No</b>		

**Purpose of Report**

To inform Members of recent Planning Appeal Decisions.

**Recommendation(s)**

**To Note the Appeal Decisions.**

**Reasons for Recommendation(s)**

To bring to Members attention the recent Appeal Decisions.

**Alternative Options Considered**

*(with reasons why not adopted)*

N/A

**Appeal Decisions**

**Ashfields**

**Planning Application – V/2019/0638**

**Site** – Land off the Avenue, Sutton in Ashfield, NG17 1GH

**Proposal** – Dwelling with Associated Access and Parking

**Appeal Decision** – Allowed

The Inspector concluded that the width of the access road would not lead to specific highway safety implications, and the current access arrangement was considered to not be unsafe or unsuitable as a result of its condition. Further, the Inspector was satisfied that the proposal would not place any significant maintenance or financial burden on

existing residents responsible for the up keep of the road. As such it was determined that the proposed development would not be detrimental to highway safety.

## **Central and New Cross**

### Planning Application – V/2019/0731

**Site** – 11-13 Chiltern Mills, Station Road, Sutton in Ashfield, NG17 5FF

**Proposal** – Vary Condition 5 (V/2019/0337) to Open Monday to Saturday 07:00 to 20:00 and on Sunday 09:00 to 17:00 and Condition 3 to Receive Deliveries Between 07.00 and 23.00 Monday to Saturday

**Appeal Decision** – Allowed

**Application for Costs** – Allowed

The Inspector considered that the extended trading and delivery hours proposed for Tool Station would largely coincide with activities associated with the adjacent takeaway. Despite the close proximity of a number of residential properties to the site, the Noise Assessment Report submitted with the application provides technical evidence to support the assertion that the proposal would not have an unacceptable impact on the living conditions of the nearest adjacent properties, or those residing in properties on Portland Street, in terms of noise and disturbance from extended trading and delivery hours.

An application for an award of costs was allowed by the Inspector on the grounds that the Council failed to present specific policies or a robust explanation to demonstrate how the proposal would unacceptably harm the living conditions of nearby occupiers to counter the findings of the Noise Assessment. In doing so the Inspector concluded that the Council had acted unreasonably in withholding planning permission which should clearly have been granted, resulting in the unnecessary expense of lodging the appeal.

## **Hucknall South**

### Planning Application – V/2019/0425

**Site** – Storage Unit, Land adj. Hucknall Lane, Hucknall, NG6 8AA

**Proposal** – Change of Use to C3 Dwelling from a B8 Storage Building

**Appeal Decision** – Dismissed

The Inspector agreed with the Council that the proposed development would comprise of inappropriate development in the Green Belt which would fail to preserve its openness. The site also lies in Flood Zone 3 and it was determined that the appeal site did not represent an appropriate location for residential use, and the applicant had failed to meet the necessary sequential test in regards to flooding. In addition, the proposal was deemed to result in severely sub-standard living conditions for any future occupiers.

## **Stanton Hill & Teversal**

### Planning Application – V/2019/0682

**Site** – Fackley Cottage, 3 The Park, Fackley, Sutton in Ashfield, NG17 3JW

**Proposal** – Porch to Front Elevation

**Appeal Decision** – Allowed

The Inspector concluded that the proposed porch extension would not have any significant impact on the visual amenity of the surrounding area, due to it being modest in scale and traditional in design. Further, the Inspector considered that the claims of historical significance were anecdotal and neither the minutes of the committee meeting nor the Council's decision notice offer any explanation of how the proposal would cause harm to the historical significance of the building. The Inspector therefore found that the proposal would not cause any harm or loss to any heritage significance which may exist.

## **Summit**

### Planning Application – V/2019/0682

**Site** – 21 Station Street, Kirkby in Ashfield, NG17 7AQ

**Proposal** – Application to Vary Condition 3 of Planning Permission V/2019/0130 - to Alter Opening Hours to 11:00am - 00:00am (Midnight) Sunday to Thursday and 11:00am -01:00am Friday and Saturday

**Appeal Decision** – Dismissed

The Inspector considered that the proposed extended opening hours would attract additional customers both on foot and by car, which coincided with nearby premises, would increase the number of people congregating in the street outside the appeal site. The premises delivery operations would also continue through the extended opening hours, and other vehicle movements related to the premises would also continue later into the night. The Inspector therefore concluded that the proposed extended opening hours would have a significant harmful effect on the living conditions of nearby residents with particular regard to noise disturbance.

## **Implications**

### **Corporate Plan:**

Reporting these decisions ensures we are open and transparent in our decision making process.

### **Legal:**

Legal issues relating to specific planning appeals are set out in the report. As the report is for noting, there are no legal issues associated with the recommendation in the report.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk: N/A**

Risk	Mitigation

**Human Resources:**

No implications

**Equalities:**

*(to be completed by the author)*

None

**Other Implications:**

*(if applicable)*

None

**Reason(s) for Urgency**

*(if applicable)*

N/A

**Reason(s) for Exemption**

*(if applicable)*

N/A

**Background Papers**

*(if applicable)*

None

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