

Report To:	Planning Committee	Date:	26th May 2021
Heading:	PLANNING APPEAL DECISIONS		
Portfolio Holder:	PLACE, PLANNING AND REGENERATION		
Ward/s:	ASHFIELDS, SUTTON CENTRAL AND NEW CROSS, HUCKNALL NORTH		
Key Decision:	No		
Subject to Call-In:	No		

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

Planning Application –Appeal Decisions

Ashfields

Planning Application –V/2019/0491

Site – Land to rear of 211 Alfreton Road Sutton in Ashfield NG17 1JP

Proposal – Outline application with some matters reserved for a maximum of 100 dwellings and associated access including demolition of 211 Alfreton Road.

Appeal Decision –Appeal Allowed

Costs Application by appellant – Refused

The Inspector considered the Council’s concerns regarding the effect of the proposed development on the character and appearance of the site and surrounding area with particular reference to the loss of open space, the effects of on biodiversity and

protected species and whether S106 contributions required by the Council are justified. He concluded that benefits of the proposal outweighed the loss of part of the open area and it would have limited harm on the character and appearance of the area. He concluded the information on biodiversity should not prevent development of the site subject to suitable mitigation and all the contributions were accepted to be justified and meet the tests.

In respect of the appellants costs application he concluded the reasons for refusing the proposed development had been adequately substantiated in the Council's statement of case. The reasons were precise, specific and relevant to the application and the evidence presented was not vague, generalised, or unduly reliant on the views of local residents. The decision was a matter of Members' judgement which differed to that of the Officer's and the Inspector's but was not unreasonable.

Sutton Central and New Cross

Planning Applications –V/2017/0318 and V/2018/0221

Site – Land Off Mansfield Road/Eastfield Side, Sutton in Ashfield, NG17 4HH

Proposal – Erection of Retail Store with Car Parking and Landscaping

Appeal Decisions – Both Appeals Dismissed

Costs Application by Council – Refused

These appeals relate to alternative schemes for the development of a retail store (Lidl). The 2018 application was granted permission; however, this was quashed by the High Court because of inadequate reasoning being given for the decision. The second appeal was on the basis of non-determination of the application.

The key issue with both appeals was whether a satisfactory sequential test has been carried out and whether an impact test is necessary. The Inspector considered that both appeals failed the sequential test, as the Northern Bridge Road site was both suitable and available. He noted that Asda has maintained the site was available for offers and that none had been forthcoming from Lidl. There was also no substantive evidence that Asda has hoarded the site despite its ownership for many years.

In terms of retail impact, the Inspector did note that a significant proportion of premises along Outram Street would not be direct competition. However, for the few convenience stores in Outram Street any impact of a store such as Lidl would be likely to be much greater. The Inspector judged that the impact on Outram Street would be such as to reach significant adverse levels, because of the likely diversion from convenience stores combined with the vulnerability of the centre. He concluded that the proposals are in clear breach of the NPPF objective that planning decisions should support the role of town centres at the heart of their communities

The Inspector considered that for the 2017 appeal, the proposed store would have a harmful impact on the character and appearance of the area, due to the raising of the land levels and the stores forward projection. The proposal was also considered to have a harmful impact on the living conditions of residents, through the disruption of deliveries and the dominant presence of the building itself. This was contrary to policies SH8 and ST1 of the Local Plan.

Finally, the costs application made by the Council was refused. The Inspector found that the appellant did not act unreasonably in putting forward a case that the NBR site was unsuitable for the proposed developments.

Planning Application – V/2020/0671

Site – 2 Russell Street, Sutton in Ashfield, NG17 4BE

Proposal – Conversion of Dwelling (C3) to a House of Multiple Occupation (sui generis) and the Removal of One Window

Appeal Decision – Appeal Allowed

The Inspector considered that the Council's reference to the loss of a family home was not substantiated by planning policy which seek to protect family sized homes from conversion into large HMO's or evidence to show that the surrounding area had seen a significant number of family homes converted.

Concerns were raised by the Council in regards to the overdevelopment of the site and the subsequent harm to the living conditions of nearby residents. The Inspector concluded that the proposed development would provide adequate space and living conditions for any future occupiers, and that the noise and disturbance generated from the development would not cause significant harm to the living conditions of neighbours.

Hucknall North

Planning Application – V/2020/0213

Site – 54 Titchfield Street, Hucknall, NG15 7BH

Proposal – Change of Use from Dwelling C3 to 6 bedroom (8 person) House of Multiple Occupation

Appeal Decision – Appeal Allowed

Although concerns had been raised by local residents and the Council regarding the increase in noise, disturbance and overlooking arising from the proposed development, the Inspector concluded that as no extensions or external alterations were proposed as part of the scheme, any mutual overlooking between properties would remain the same as pre-existing. The Inspector also considered that there was no evidence to support claims that occupiers of a HMO would be more inclined to make noise and cause disturbance when compared to a single large family.

Whilst the Inspector accepted that the proposal may lead to some additional parking demand within the locality, due to the proximity of the site to Hucknall town centres amenities and services, it is reasonable to assume that future occupiers would be attracted by opportunities to use public transport, or walk or cycle to services and employment centres.

Planning Application – V/2020/0480

Site – 2 Vaughan Avenue, Hucknall, NG15 8BT

Proposal – Dwelling

Appeal Decision – Appeal Dismissed

The Inspector agreed with the Council that the construction of a single dwelling in the proposed location would have an unsatisfactory relationship with neighbouring

properties and would give rise to a harmful impact on the street scene of Vaughan Avenue. The Inspector also concluded that the proposal would materially harm the living conditions of the occupants at neighbouring properties by virtue of massing, overshadowing and mutual overlooking.

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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