



Appeal Decision

Site visit made on 4 December 2012

by Mrs Zoë Hill BA(Hons) MRTPI DipBldgCons(RICS) IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 March 2013

Appeal Ref: APP/X3025/A/12/2182226

The Fourways, Leeming Lane South, Mansfield Woodhouse, Mansfield NG19 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Martyn Murphy for MGM Hotels against the decision of Mansfield District Council.
 - The application Ref: 2012/0172/NT, dated 3 April 2012, was refused by notice dated 2 July 2012.
 - The development proposed is the demolition of existing public house and erection of 11no. dwellings.
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Preliminary Matters

1. The application was made in outline with all matters reserved for subsequent consideration. That said, an indicative layout has been provided which shows that the reason for refusal from the previous application on this site in respect of protected trees could be overcome.
2. A Unilateral Undertaking accompanies the proposal in respect of an Education Contribution (£22,910) and a Public Open Space Contribution (£1,100) along with monies to cover the Council's costs.
3. During the appeal process the Council submitted further documentation to explain that it had adopted its 'Local Heritage Assets: Criteria' on 5 March 2013. As a result the appellant was given the opportunity to comment on that document.

Decision

4. The appeal is dismissed.

Application for Costs

5. An application for costs was made by Mr Martyn Murphy for MGM Hotels against Mansfield District Council. This application is the subject of a separate Decision.

Main Issues

6. The parties agree that the Fourways is a non-designated heritage asset. As such, the main issues in this case are the significance of the building and the implications of that significance; and, whether there are public benefits which would outweigh the loss of the building.

Reasons

7. The existing building on the appeal site was constructed in the latter half of the C19th as the Mansfield Woodhouse Hospital. During the 1920 it became a social club and then a public house, although it is currently vacant.
8. The building is constructed of stone under a pitched tiled roof. The building is included on the Nottinghamshire Historic Environment Record. An English Heritage assessment undertaken to assess its potential for listing concluded that the building was not an early example of a convalescent home or innovative in design and that, because of significant changes, it is not a good example of this building type. Therefore it did not meet the criteria for designation in a national context. However, the assessment concludes that *Fourways is an imposing building which is certainly of local interest*. The Council has sought to control demolition of this building by way of an Article 4 Direction, which I understand has been challenged.
9. The Council has also adopted its 'Local Heritage Assets: Criteria' which contains an Interim Policy to protect local heritage assets (which it indicates are locally listed buildings). Although this document has been adopted by the Council there is no information regarding any consultation upon it prior to its adoption which means it can only attract limited weight. Moreover, there is no list of identified buildings and the document accepts that there would be provisions for a local appeal against the inclusion of a building on such a list. These factors further limit the weight that can be applied to the document in terms of any implications for the status of the appeal property. Whilst the appellant provides a critique of the 'Local Heritage Assets: Criteria' the document clearly sets out that it is intended that it will be developed as part of the new Local Plan; this, or any public consultation on the document, would provide a more appropriate opportunity to comment upon it in detailed terms.
10. Architecturally the appeal property is of a generic type of Victorian building. Nonetheless, the architectural qualities of the original building and the social history embedded in its past uses comprise its main significance as a non-designated heritage asset. In this location it stands out because of the architectural quality, its imposing size and prominent position derived from land levels and its location at a crossroads. As such, this non-designated heritage asset contributes to the wider character of the area.
11. There is no dispute that much of the interior has been lost through conversion and alteration, that some of the alterations have resulted in the loss of interesting features, or that some of the additions are unsympathetic. Despite this, the appellants' heritage consultant acknowledges that the building has value as a heritage asset which is important in terms of the character and appearance of the locality. With this in mind the appellants' heritage consultant acknowledges that any future redevelopment of the appeal site should be carefully controlled in order to ensure that the standard of architectural design, materials and detailing would be comparable to the existing building at Fourways. I concur with that view.
12. Thus, the implications are that given the importance of this building as a non-designated heritage asset, alternative uses should be considered prior to demolition and any replacement scheme should of appropriate quality and provide public benefit to outweigh the loss of the building.

13. Given the size of the building and noting the harm which has occurred to its interior, there might be scope for alternative uses, a consideration sought by the Framework. Although there is no substantiated evidence before me, it seems from the committee report that some viability evidence was provided to the Council. However, I have no details as to what that entailed, what the viability exercise covered or the types of uses considered.
14. The appeal scheme would provide 11 dwellings. This would contribute to housing provision in the locality in a sustainable location, where Mansfield Local Plan (1998) policy DPS2 seeks to concentrate development¹. Moreover, the site is considered developable, with scope to retain the tree protected by a Tree Preservation Order.
15. The scheme is submitted with all matters reserved. As a consequence, limited information is available, but the illustrative details indicate modest terraced and semi-detached dwellings facing the road frontages, with car parking to the rear. The Planning Statement, covering design and access, indicates that there would be no public open space but that the incorporation of existing features within the development such as the tree, walls and paving would help complement the character of the area. The appeal statement does not provide much further detail but indicates that the appellant believes they have addressed the prominent street corner in the illustrative sketch scheme that accompanied the application. However, the sketch scheme shows fairly standardised speculative housing types and the illustrative layout follows practical positioning of buildings rather than one which indicates any particular intention to turn the corner or create a focus in an imaginative way.
16. Moreover, the housing development illustrated would be uncharacteristically nearer to Leeming Lane South than other nearby housing on the same side of this road, significantly reducing scope for planting which is characteristic of this part of the street scene albeit not the site. Whilst the scheme is illustrative, I have doubts that a scheme set back from the road reflecting local character would be able to achieve the 11 units proposed. Local Plan policy H2 seeks development that would integrate with the existing pattern of settlement and retain important site characteristics and features so as to fit within its setting; from the information before me this would not appear to be likely. This reinforces my concerns about the likelihood of a future development that would satisfactorily address the corner position of the site.
17. Additionally, the Framework sets out the importance of new development making a positive contribution to local character and distinctiveness. On the balance of probability, having regard to the information before me, I am not satisfied that the provision of the 11 dwellings proposed would be of sufficiently high quality in terms of design and materials that it would justify the loss of this non-designated heritage asset. This is particularly the case given that the existing building positively contributes to its surroundings, to the extent that it has a landmark quality which provides a distinct historic link with the past, being the first building located at this crossroads. As such, I find conflict with Local Plan policy H2 and advice within the Framework.

¹ Whilst the Local Plan is dated the policies I refer to in this decision broadly accord with the Framework such that I accord them significant weight.

Other Matters

18. The appellant is clearly aggrieved about the way in which this application has been handled by the Council. However, that is not a matter for my consideration.
19. I have referred to the s.106 Unilateral Undertaking above. This document puts requirements upon the Council and County Council who are not parties to the agreement and so cannot be bound by it, making it unsatisfactory in this regard. Moreover, whilst the Council notes that its Interim Planning Guidance Note 3 'Recreation Provision on New Residential Developments' is relevant and that Nottinghamshire County Council seeks a contribution towards primary school facilities, I do not have sufficient evidence before me to be satisfied that the sums proposed are reasonable or necessary having regard to the development proposed and the requirements of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 in terms of planning obligations. Nevertheless, as I intend to dismiss the appeal on the substantive issues of the case, I have not pursued this matter further.

Conclusion

20. For the reasons set out above and having had regard to all matters raised I conclude that the appeal should be dismissed.

Zoë Hill

Inspector

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