

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 4
23 JULY 2013	PUBLIC REPORT

Cabinet Members responsible:	Councillor Cereste – Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
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THREE MONTH APPEAL PERFORMANCE REPORT

RECOMMENDATIONS	
FROM : Head of Planning, Transport and Engineering Services	Deadline date : July 2013
That Committee notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 It is useful for Committee to look at the Planning Service's performance at appeals and identify if there are any lessons to be learnt in terms of appeal outcomes. This will help inform future decisions and potentially reduce costs.
- 1.2 This report is for the Committee to consider under its terms of reference No. 2.5.1.4 "To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers".

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	n/a
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3. APPEAL OVERVIEW

- 3.1 The number of appeals lodged has increased this last three months from 3 to 8 compared to the previous three months. A total of 7 appeals have been determined which is 6 fewer than the previous three months.

	01/07/2012 – 30/09/2012	01/10/2012 – 31/12/2012	01/01/2013 – 31/03/2013	01/04/2013 – 30/06/2013
Appeals Lodged	16	7	3	8
Method of Appeal				
a) Householder	5	1	0	2
b) Written Reps	9	6	2	5
c) Informal Hearing	1	0	1	1
d) Public Inquiry	1	0	0	0

	01/07/2012 – 30/09/2012	01/10/2012 – 31/12/2012	01/01/2013 – 31/03/2013	01/04/2013 – 30/06/2013
Appeals Determined	17	7	13	7
Appeals Dismissed	13	4	9	4
Appeals Allowed	4	2	3	2
Split Decision	0	1	1	0
Appeals Withdrawn	0	0	0	1
Success Rate	77%	57%	69%	67%
Householder	2	4	1	0
Written Reps	13	2	10	5
Informal Hearing	2	1	2	1
Public Inquiry	0	0	0	1

- 3.2 In the last three months the Council's decision was upheld in 67% of the cases.
- 3.3 The table at **Appendix 1** gives a summary of the appeal outcomes in the last 3 months with a commentary where there is scope for service improvement.

4. IMPLICATIONS

4.1 Legal Implications

The proposed changes have been prepared and will be consulted on in accordance with guidance issued by national government. There are no legal implications.

4.2 Financial Implications

This report itself does not have any financial implications. However, in the event that the Council or appellant has acted unreasonably in terms of the planning decision or appeal, an award of costs may be made against or in favour of the Council.

4.3 Human Rights Act

This report itself has no human rights implications but the appeals process has due regard to human rights issues.

4.4 Equality & Diversity

This report itself has no Equality and Diversity Implications and it should be noted that there is no evidence that appeal outcomes are influenced by equality and diversity factors.

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
1	11/01711/MMFUL - Thornhaugh Quarry Leicester Road Thornhaugh Peterborough Importation of inert material for recycling and infill to achieve a beneficial restoration to agricultural land	Delegated	Allowed	The inspector concluded that: <ul style="list-style-type: none"> the proposal would not prejudice future mineral extraction or waste management operations with improvements to the scheme in the north-western corner of the site, to enable it to better integrate with the wider quarry, it need not prejudice future quarry restoration operations in the area the proposal would protect and enhance local biodiversity and safeguard the area's landscape character. 	No
2	12/00898/FUL - Winchester Place - Ground Floor 80 Thorpe Road Change of use of ground floor to Class A1 (retail) use, front and rear extension, car parking and new vehicular access to Thorpe Road	Delegated	Withdrawn		N/A
3	11/01528/FUL - Priory Store 44 Priory Road West Town Security window shutter - Retrospective	Delegated	Dismissed	The inspector stated that the untreated, solid form of the steel sheeting does have a very unattractive appearance within this predominantly residential area and that it does detract from the character and appearance of this property and the wider area. The inspector agrees that it provides a negative image for the property and its surrounds. The inspector concluded that internal shutters would have the least intrusive impact although a more sensitively designed external shutter would be preferable to that currently in place.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
4	<p>12/00134/FUL - Land To The Rear Of 9-33 Eastleigh Road And 197-215 Padholme Road Eastfield</p> <p>Construction of four two-bed and one three-bed affordable bungalows including associated external works and parking, demolition of 15 Eastleigh Road to provide access to new dwellings</p>	Committee (T)	Dismissed	<p>The inspector stated that the proposal would significantly change the character of the appeal site; specifically the outlook for immediately adjoining neighbours from their facing rear windows and rear gardens would change with the removal of the tree canopy. The inspector considered that the development would conflict with Core Strategy policy CS16 because it would fail to enhance local distinctiveness in view of the proposed scale of removal of tree cover on this land-locked site.</p> <p>Further the inspector considered that the impacts on biodiversity cannot properly be assessed because of the absence of any objective information regarding the ecological value of this tree covered area.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
5	<p>12/01241/FUL - Land At Wothorpe Park Adjacent To Laurel House, First Drift Wothorpe</p> <p>Construction of 1no. new 3 bed dwelling and associated double garage</p>	Delegated	Dismissed	<p>The inspector concluded that the proposal would significantly encroach upon and visually curtail the remaining open landscape context of the listed building, resulting in material harm to its setting and, as a consequence, in a diminution of its significance as a nationally designated heritage asset. The inspector added that the incongruous choice of neo-vernacular detailing in this context would further exacerbate the harm.</p> <p>The inspector added that the development here would be seen in tandem with Laurel House and the town houses when seen from the approach to The Elms from the east. The inspector argued that from here there would be the strong sense of built form being consolidated in depth, fostering a degree of suburban character incongruous to and at odds with the wider rural character of the area and that such an outcome would compound the harm to the setting of the listed building.</p> <p>The inspector stated that its contribution to addressing the Councils' housing supply would be very, very small.</p> <p>With regards to the local infrastructure contributions the inspector concluded that the absence of such an agreement, in the face of development plan policy signifying its necessity, must weigh against the proposals.</p>	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
6	12/00833/FUL - Plot Adjacent 54 Aldermans Drive West Town Proposed two bedroom dwelling	Delegated	Dismissed	The inspector concluded that the proposal would make use of a neglected site and would provide an additional dwelling that would contribute to the supply of housing in line with the objectives of the Framework. However the inspector added that these benefits would be outweighed by the harm to the character and appearance of the terrace and streetscene, living conditions of future occupants, and poor access for cycle and waste storage	No
7	12/00759/FUL - Units 2 And 3 Prosper House Padholme Road East Fengate Change of use to Leisure (indoor football)	Delegated	Allowed	The inspector concluded that the scheme is not of such a magnitude that it needs to be assessed in a sequential approach or that it does not comply with the location and sustainability objectives of local plan policies. The inspector added that new sports facilities are encouraged by local plan and national policies and that the scale and nature of this development is too small to prejudice the provision of sports facilities in other parts of Peterborough. Further the inspector stated that the site has reasonable parking provision, is reasonably near to the city centre and is accessible by means other than the private car.	No