

## Report for Information

**Report to** Planning applications committee  
1 March 2012

**Report of** Head of planning services

**Subject** Performance of the Development Management Service:  
Appeals: 1 October to 31 December 2011 (Quarter 3: 2011  
– 2012)

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**Item**  
**6**

### **Purpose**

To report the performance on planning appeals to members of the committee.

### **Recommendations**

That the report be noted.

### **Financial Consequences**

The financial consequences of this report are none.

### **Strategic Priority and Outcome/Service Priorities**

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the implementation of the planning improvement plan.

### **Contact Officers**

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### **Background Documents**

None.

# Report

## Background

1. This is one of a series of reports that have been produced regularly since 2008. Their purpose is to ensure members are aware of decisions made under delegated powers, provide information about the overall performance of the service and about the outcome of planning appeals.
2. This report is in relation to the appeals aspect only of the service. Appendix 1a and 1b provide details of appeals lodged which are pending and determined. The paragraphs below briefly summarise the information.
3. It can be seen from Appendix 1a that there are two planning appeals pending or awaiting decision. Both of these appeals were delegated officer decisions where the application was refused.
4. You will see from Appendix 1b that there have been two appeals determined in Quarter 3. The Planning Inspectorate has Allowed both appeals. The Householder appeal was a delegated officer decision whilst the appeal relating to Cordova Buildings, Starling Road was an application which was approved by Members and the applicant lodged the appeal on the grounds of Conditions 1 and 2 (time limit for the submission of reserved matters and for commencement) of the planning permission granted.
5. The Inspector considered, in the case of 15 York Street, that although there would be some loss of daylight and sunlight to the dining room, this would not unacceptably harm living conditions at 13 York Street and the harm would be more than offset by the benefit of improved privacy at that property. In reaching the decision, the Inspector took into account a previous appeal at the property in December 2010 which was dismissed. The most recent decision concerned an amended scheme which reduced the depth of the extension. Although this reduction was not considered by your officers to be sufficient to overcome the concerns of the previous Inspector, in this most recent case the Inspector considered that the previous proposal concerned a materially larger extension and the current proposal was acceptable. He therefore allowed the appeal subject to conditions.
6. In the case of Cordova Buildings, Starling Road, members may recall that this outline scheme (with landscaping the only reserved matter) was granted permission shortly after the adoption of the Joint Core Strategy last year. The scheme had originally been submitted some months before but had taken some time to get to committee and it did not comply with the new affordable housing policy of the adopted Joint Core Strategy at the point of determination. In light of this and to ensure that the development could be brought forward speedily, a pragmatic approach was adopted. Rather than refuse the application, or require the inclusion of affordable housing, or a demonstration that this was not viable through a robust and verified viability assessment, it was recommended that permission be granted but with a shorter time period for the submission of reserved matters and commencement than would

normally be imposed.

7. The developer appealed the imposition of these conditions and the Inspector considered that the time periods allowed for the submission for reserved matters and commencement, taking into account the general economic circumstances and the particular circumstances of the applicant, was unreasonable and allowed the appeal with the standard outline time limits with costs awarded against the council.
8. Strong concerns were expressed to the Planning Inspectorate about the Inspector's decision as it was considered that it appeared to have been flawed. It did not consider the merits of the application as a whole, including the need for the application of the affordable housing policy requirement and consequent need to vary the legal agreement to make such provision and the Inspector did not appear to understand the council's reasoning behind the imposition of the original time limits. A response from the quality assurance team at PINS is still awaited.
9. Despite these strong concerns, after further advice and due consideration of the size of the scheme, the significance of the decision (given the particular circumstances of this case) and the resource implications involved, it was concluded that it would not be an effective use of resources to pursue the matter further and challenge in the High Court in this case.
10. However, this decision is one which has provided useful reflection on the handling of such cases and will need to be taken into account when considering non-policy compliant schemes without adequate justification. It is very unlikely that a similar pragmatic approach which considers the use of shorter time limits will be followed in the future unless written confirmation is provided by the applicant that such an approach would be acceptable. It is far more likely, for example, that such proposals would be refused or be required to robustly demonstrate viability through the open book method.
11. There were no appeals dismissed during this quarter.

### Planning Appeals in Progress – Quarter 3: (1 October to 31 December) 2011 / 2012

Application Ref No	Planning Inspectorate Ref No	Address	Proposal	Date Appeal Valid	Type of Appeal	Decision
11/00026/ADVT  Planning Application No. 11/01495/A	APP/G2625/H/2166432	St Johns House 33 King Street Norwich NR1 1PD	Refusal of advertisement consent for Display of 1 No. non illuminated mesh banner canvas sign on eastern elevation.	13 December 2011	Written Representation	In Progress
11/00028/ADVT  Planning Application No. 11/01843/A	APP/G2625/H/11/2167568	7A Albion Way Norwich NR1 1WR	Refusal of advertisement consent for Display of 1 No. non-illuminated fascia sign.	30 December 2011	Written Representation	In Progress

**Planning Appeals Allowed – Quarter 3: (1st October to 31st December) 2011 / 2012**

<b>Application Ref No</b>	<b>Planning Inspectorate Ref No</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Appeal Valid</b>	<b>Type of Appeal</b>	<b>Decision</b>
11/00023/COND  Planning Application No. 10/00755/O	APP/G2625/A/11/2157206/ NWF	Cordova Buildings Starling Road Norwich NR3 3ED	Grant of planning permission subject to conditions to which the appellant objects for Demolition of redundant shoe factory and erection of 22 No. flats with associated bin and cycle stores plus car parking.	9th August 2011	Written Representation	Allowed
11/00025/REF  Planning Application No. 11/00943/F	APP/G2625/D/11/2159736	15 York Street Norwich NR2 2AN	Refusal of planning permission for Erection of a single storey extension to the rear.	5th September 2011	Householder	Allowed