



Planning Management Committee – 4 November 2015

Appeal Decision Monitoring Report

Purpose of report

Update on appeal decisions from the Planning Inspectorate and an analysis of the main issues, to monitor consistency between the council's and Planning Inspectorate's decisions.

Attachment(s)

Appendix 1 - Appeal decisions from 28 September 2015 to 16 October 2015

1.0 Introduction

1.1 This report advises on the outcome of planning appeals determined by the Planning Inspectorate from 28 September 2015 to 16 October 2015 and analyses the decisions made by the Development Control Committee and officers under delegated authority. Details of costs awarded against the council (if any) are also given.

2.0 Equality and Diversity Implications

2.1 There are no equality and diversity implications arising from the proposals.

3.0 Legal Implications

3.1 There are no legal implications arising from the proposals.

4.0 Risk Management

4.1 There are no significant risks arising from the proposals.

5.0 Financial implications

5.1 There are no financial implications arising from the proposals, except for those decisions where costs have been awarded against the council.

6.0 Corporate Outcomes

6.1 The report supports priority outcomes set out in the Corporate Plan - Effective Management; and Value for Money.

6.2 The report is submitted for information.

Legal	Power: Planning and Compulsory Purchase Act 2004	
	Other considerations: None	
Background Papers: Office Files		
Person Originating Report: Rhys Bradshaw, Planning Development Manager ☎ 01832 742180 ✉ rabradshaw@east-northamptonshire.gov.uk		
Date: 20 October 2015		
CFO	MO	CX

East Northamptonshire Council

DC Appeal Results

For Period from: 28 Sep 2015 to : 16 Oct 2015

Officer			
Procedure			
Case Ref. No.	Appellant	Location	Appeal Type
	Proposal		Date Decided Decision

Carolyn Tait

Written Representations

15/00175/FUL	Mr S Sellthaurai	180 - 182 Wellingborough Road Rushden	Against Refusal
	Change of use of existing shop to takeaway/restaurant (A3 and A5 use class),		28/09/2015 Dismissed

Planning permission was refused because the applicant had failed to submit a noise and odour assessment so a full consideration of the proposal could not be made.

The Inspector considered that the main issue was the effect of the proposed development on the living conditions of the occupiers of nearby residential properties, with particular regard to potential noise and odours. He stated that the new extraction flue would have been located very close to the first floor rear facing windows of the flat above and would vent just above these windows. At such close proximity, he considered that any noise and vibration from the operation of the flue would likely have an impact on the occupiers of the flat above. In addition he considered that odours would also enter the flat and that both noise and odours would have a seriously detrimental impact on the living conditions of the flat and No.184 Wellingborough Road.

The Inspector agreed with the Council in that insufficient information had been submitted to explain exactly how the equipment would operate in its context and considered that a full assessment of its likely effectiveness in providing adequate sound insulation and neutralising odours could not be made. Whilst the applicant argued that the onus was on the Council to demonstrate that harm would be caused, the Inspector disagreed. In addition the Council requested this information early on in the application process and no information was forthcoming, so the Inspector did not consider the appellant's comments regarding a failure on behalf of the Council to request the necessary information.

Wayne Cattell

Written Representations

15/00107/FUL	Mr M Kamani	32 Montague Street Rushden	Against Refusal
	Conversion of individual dwelling into four flats		29/09/2015 Allowed M

Planning Permission was refused because Members felt the proposed subdivision of the property would be likely to lead to a demand for parking provision in excess of what the site and surrounding streets could accommodate. It was therefore felt this would cause on street parking congestion leading to unacceptable inconvenience for nearby residents.

The Inspector considered all the information that had been submitted in relation to this matter and made a site visit. He noted that the Highway Authority did not object to the application and his opinion was that there were likely to be sufficient convenient and legal alternatives for parking close to the property subject to the application that would be available to future occupiers, their visitors and other local residents. He therefore concluded that the proposal would not cause a serious inconvenience to road users in the vicinity of the site with particular regard to on street parking and that the appeal should be allowed.

Decided Appeals Dismissed :	1	50.00%	
Decided Appeals Allowed :	1	50.00%	M Denotes Member
			Decision against
Decided Appeals Withdrawn :	0	0.00%	Officer advice
Decided Appeals Total :	2	100.00%	