

BABERGH DISTRICT COUNCIL

FROM: Chief Planning Control Officer	Report Number: L92
TO: Development Committee	Date of Meeting: 2 November 2011

PLANNING PERFORMANCE

1. Purpose of Report

- 1.1 This report provides an overview of the number of planning applications and appeals currently being considered by the Planning Control Section and an indication of performance against national indicators for the period 1 July to 30 September 2011.

2. Recommendation

- 2.1 That the information contained within this report be noted.

3. Financial Implications

- 3.1 There are no financial implications arising directly from the content of this report.

4. Risk Management

- 4.1 There are no significant risks arising directly from the content of this report.

5. Consultations

- 5.1 In view of the content of this report consultation has not been undertaken.

6. Equality and Diversity Impact

- 6.1 There are no Equality and Diversity implications arising directly from the content of this report.

7. Shared Service/Partnership Implications

- 7.1 There are no Shared Service/Partnership Implications arising directly from the content of this report.

8. Key Information

- 8.1 This quarterly report shows the performance of the Planning Control Service against National Performance Indicator 157: The Determination of Planning Applications and the former BVPI 204: Planning Appeals, which has been retained as a local performance indicator.
- 8.2 Government performance indicators require all local planning authorities to determine:

- 60% of major applications within a period of 13 weeks. Since 1 April 2008 the major category has been divided into large-scale and small-scale major developments but for the purposes of this report, they are combined. (A large-scale major application is defined as a development comprising 200 or more dwellings whereas a small-scale major application is defined as a development comprising 10 or more dwellings up to 199 dwellings);
 - 65% of minor residential and commercial applications within a period of 8 weeks. (i.e. up to 9 dwellings or 1000 sq metres of floor space); and,
 - 80% of other applications (which are mainly householder applications) within a period of 8 weeks.
- 8.3 Local planning authorities were also required to monitor the number of appeals allowed against the authority's decision to refuse permission and express it as a percentage of the total number of appeals against the refusal of permission. An acceptable threshold was deemed to be 30% as it provided a useful indicator as to whether more applications were being refused in order to meet development control performance targets. Babergh has retained this indicator to monitor the outcome of appeal decisions.

Applications Received and Determined

- 8.4 Table 1 provides an overview of the number of planning applications that were on hand at the beginning of the quarter, the number that were received during the quarter, withdrawn, on hand at the end of the quarter, and actually determined. It also shows how many applications were determined in accordance with the Scheme of Delegation expressed as a percentage of all decisions.
- 8.5 As will be noted the number of applications received during the last quarter has remained broadly the same as the preceding quarters.
- 8.6 The percentage of decisions made in accordance with the Scheme of Delegation during the quarter was 89.6%. The accepted threshold is 90% which is commonly held to be a measure of good practice.

TABLE 1	01.10.10 to 31.12.10	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11
Number of applications on hand at beginning of quarter ¹	263	267	291	289
Number of applications received during quarter	311	326	291	286
Number of applications withdrawn	37	35	20	14
Number of applications on hand at end of quarter.	268	281	269	254
Number of applications determined during quarter	269	277	303	307
Percentage of delegated decisions	87.7	87.7	89.1	89.6

Source: General Development Control PS1 Return

¹ The number of applications on hand at the beginning of the quarter may be less than those on hand at the end of the previous quarter if applications have been made invalid after registration.

Performance Against Target

- 8.7 Table 2A shows the number of planning applications that were determined during the quarter in each of the three categories defined by NI 157. Table 2B shows how many of these planning applications were determined within the prescribed period as a percentage of all decisions within the relevant category. Table 2C shows the performance achieved during the year to date in comparison with the national target. It also provides an indication of the direction of travel.

TABLE 2A	01.10.10 to 31.12.10	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11
Total number of MAJOR applications determined	9	7	11	12
Total number of MINOR applications determined	73	62	61	59
Total number of OTHER applications determined	187	208	231	236
Total number of applications determined during quarter	269	277	303	307

Source: General Development Control PS2 Return

TABLE 2B	01.10.10 to 31.12.10	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11
Percentage of MAJOR applications determined on time	55.6	85.7	63.6	33.3
Percentage of MINOR applications determined on time	57.5	69.4	63.9	57.6
Percentage of OTHER applications determined on time	81.3	80.8	80.1	80.1

Source: General Development Control PS2 Return

TABLE 2C	Previous Year 2010/11	Year to date 2011/12	National Target	Direction of Travel
Percentage of MAJOR applications determined on time	62.96	50	60	☹
Percentage of MINOR applications determined on time	60.85	60.7	65	☹
Percentage of OTHER applications determined on time	76.24	80.1	80	☺

Source: General Development Control PS2 Return/Departmental Records

- 8.8 As will be noted performance within the 'other' category is on target for the quarter, however, performance within the 'major' and 'minor' category is below the expected level. During the last quarter 12 applications within the combined 'major' category were determined of which 4 were in time. Of the 59 cases determined within the 'minor' category, 34 were in time, and of the 236 'other' cases 189 were in time. Overall 264 cases out of 307 were approved which equates to 86%.

Planning Fees

- 8.9 Table 3 provides an overview of the income received from fee generating applications during the last quarter against the projected position for the quarter. It therefore excludes listed building and conservation area consent applications which do not attract a fee.
- 8.10 It has been estimated that some £367,500 will be received in planning fees during 2011/12. As will be noted below, £163,531 has been received up to 30 September which is less than the anticipated position.
- 8.11 In addition to the income received from fee generating applications, it is estimated that a further £15,000 will be received during the financial year from the administration of submissions relating to the approval of information required by planning conditions. As of 30 September £13,425 had been received from these submissions.

TABLE 3	01.10.10 to 31.12.10	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11
Number of fee applications received	229	288	240	278
Cumulative fees received	246,233	333,552	79,381	163,531
Projected fee income (cumulative)	256,875	342,500	91,875	183,750
Outturn	(10,642)	(8,948)	(12,494)	(20,219)

Source: Departmental Records

Appeals

- 8.12 Table 4 provides details of the number of appeals allowed expressed as a percentage of the total number of appeals determined. Five appeals were determined in the last quarter of which three were allowed, one being a split decision. All of the appeal decisions made during the past quarter are reviewed in Appendix One. The review also contains details as to whether the applications were originally determined by the Development Committee or under the Scheme of Delegation.

TABLE 4	01.10.10 to 31.12.10	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11
Number of appeals allowed.	2	3	6	3 (1 split)
Total number of appeals determined.	13	12	12	5
Percentage of appeals allowed.	15.4	25	50	60

Source: Departmental Records

9. Appendices

Title	Location
Appeal Decisions 1 July to 30 September 2011.	Attached

10. Background Documents

10.1 None

N J Ward
Chief Planning Control Officer

☎ 01473 825858
✉ nick.ward@babbergh.gov.uk

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APPEAL DECISIONS: 01-July-2011 AND 30-September-2011

Planning Applications

Final Decision: Allowed

Application No: B/11/00162 **FHA** **Appellant:** Mr & Mrs E Oakes

Application decision: Delegated **Appeal Decision Date:** 7-Jul-11

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: Ambleside, Polstead Road, Boxford, Sudbury, CO10 5JW

Proposal: Erection of extension and alterations to existing bungalow to provide a one and a half storey dwelling together with the erection of a detached two bay cartlodge/garage (existing detached garage to be demolished).

The Inspector's Reasons: The Inspector considered the main issue to be the impact of the proposals upon the character of the area. She noted that Local Plan Policies CN01 and HS33 require that extensions to dwellings should be respectful to the character of the existing property and that the District Council was concerned that the nature of the additions would result in the complete remodeling of an existing bungalow to form a two storey house. She considered, however, that the additional accommodation which would be formed predominantly within the roof space, and the two storey side extension, would result in the creation of a cottage style dwelling that would not appear overly large for the site. This, in combination with the position of the property and the backdrop of trees would ensure that the resultant development did not harm the character and appearance of the area. The appeal in so far as it related to the extensions to the dwelling was accordingly allowed.

In relation to the proposed double garage, which also formed part of the application, the Inspector was of the view that its position on higher land in combination with its pitched roof and substantial mass would be overly prominent. This aspect of the development was therefore considered to be harmful to the character and appearance of the area contrary to the requirements of Local Plan Policies CN01 and HS33. This aspect of the proposed development was therefore dismissed.

The Inspector issued a split decision.

Comment
The application was refused on 6 April 2011 contrary to the views expressed by Boxford Parish Council.

Final Decision: Allowed

Application No: B/11/00095 **FUL** **Appellant:** Mr Wade

Application decision: Development Committee **Appeal Decision Date:** 20-Sep-11

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: Brendacot, Heath Road, Polstead, COLCHESTER, CO6 5BG

Proposal: Erection of two-storey dwelling and garage/workshop building (following demolition of existing single-storey dwelling).

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposed development upon the character and appearance of the area. The Inspector observed that there was no clear character to the dwellings in Heath Road, with some dwellings sited close to the road and others being set back. He considered that the principle of a dwelling being set back into the site had already been established by the existing bungalow.

While the Inspector noted that the proposal was similar to an earlier scheme that had been dismissed on appeal, he considered that a number of design revisions had been made. As such he was of the view that the proposed dwelling would have a traditional appearance, albeit with a contemporary character. He noted that Local Plan Policy CN01 encourages the use of contemporary and found that the previous Inspector's concerns had been addressed. Accordingly he found that the proposal would not be harmful and was thereby consistent with Local Plan Policies, HS02, HS28 and CN01.

In reaching this conclusion the Inspector considered the representations from adjoining occupiers, however, he was of the opinion that the views from the first floor windows of the proposed dwelling would be too oblique and at too great a distance to be intrusive.

Costs Application

The appellant submitted an application for the award of costs on the grounds that the District Council had not taken into account the design changes that had been made to the proposal. Although the decision of the Development Committee was contrary to the recommendation of the Planning Officer, the Inspector considered that Members could reasonably come to the view that the original objections remained valid. He therefore refused the application.

Comment

The application was refused by Development Committee on 13 April 2011 contrary to the officer recommendation but in line with the views expressed by Polstead Parish Council.

Final Decision:	<u>Allowed</u>		
Application No:	B/10/00797	CAC	Appellant: Peal Estates LLP
Application decision:			Appeal Decision Date: 28-Sep-11
Appeal Procedure:	Informal Hearing	Appeal Type:	Non-determination within time allowed
Location:	2-4 Brook Street, Glemsford, Sudbury, CO10 7PL		
Proposal:	Application for Conservation Area Consent - Demolition of former office and workshop buildings.		
The Inspector's Reasons:	The Inspector considered that the existing buildings on site detracted from the character and appearance of the Glemsford Conservation Area. He therefore agreed with the District Council that clearing the site would not, despite the resulting gap, adversely impact upon the character or appearance of the Conservation Area or the setting of an adjacent listed building. The appeal was therefore allowed as it was not considered that the demolition of the buildings would result in any material harm.		

Comment

The appeal was made against the failure to give notice within the prescribed period. The Development Committee considered the application on 25 May 2011 and resolved that if it were in a position to determine the case it would have approved the application.

Final Decision: Dismissed

Application No: B/10/01076 FUL **Appellant:** Mr & Mrs S Mowles

Application decision: Delegated **Appeal Decision Date:**22-Sep-11

Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission

Location: Land East of Ambermere, Alton Hall Lane, Stutton

Proposal: Erection of equipment store.

The Inspector's Reasons: The Inspector considered the main issue to be whether the proposed development would be appropriate in the countryside given the provisions of existing planning policies that seek to protect it. Having considered the information submitted in support of the application the Inspector observed that while it might be convenient for the appellant to have a storage and workshop building on the site, he was not persuaded that it was essential for the efficient operation of agriculture, especially given the modest area of land involved. Accordingly he considered that the development would conflict with the provisions of Local Plan Policy CR01. It would also be inconsistent with the aims of PPS4 and PPS7.

Comment

The application was refused on 5 November 2010 in line with the views expressed by Stutton Parish Council.

Final Decision: Dismissed

Application No: B/10/00796 FUL **Appellant:** Peal Estates LLP

Application decision: Development Committee **Appeal Decision Date:**28-Sep-11

Appeal Procedure: Informal Hearing **Appeal Type:** Non-determination within time allowed

Location: 2-4 Brook Street, Glemsford, Sudbury, CO10 7PL

Proposal: Erection of retail store, business units and 21 no. dwellings with associated garaging (demolition of former office and workshop buildings). Construction of new vehicular access as amended by applicant's letter and drawings received 14.03.2011 and 01.04.2011.

The Inspector's Reasons: The Inspector considered the main issues to be the effect of the proposed development upon the provision of employment sites in the area, the character and appearance of the area and the setting of Nos 6 and 8 Brook Street (Grade 2 Listed Buildings), the living conditions of neighbouring and future residents, the vitality and viability of the village, and the provision of affordable housing, education and public open space and play equipment.

In relation to the first issue, the Inspector found that while the proposal would be contrary to the provisions of Local Plan Policy EM15, which allocates the land for employment purposes, and the provisions of Local Plan Policy EM24, he found that there were some considerations which together gave weight to the possible use of the site for other purposes.

In response to the second issue, however, he considered the proposed development would be materially harmful to the character and appearance of the conservation area and the setting of adjacent listed buildings. As such the Inspector was of the view that the proposal was in conflict with Local Plan Policy CN08 and CN06.

Turning to the third issue, the Inspector found that subject to the use of appropriate conditions relating to the installation of fixed plant, he had no reason to believe that the proposals would have an impact upon the living conditions of nearby residents.

He was however critical of the amenity space that would be afforded to the occupants of Plot 11 and considered the arrangements would lead to poor living conditions.

In relation to the fourth issue the Inspector considered that it was not the role of the planning system to protect the interests of one person against the activities of another and concluded that the proposed retail unit, in terms of its effect on vitality and viability, would conflict with the development plan or cause material harm.

Finally the Inspector considered that the proposed Unilateral Undertaking submitted by the appellant to be deficient in relation to the provision of affordable housing. He did not accept the appellants submissions in relation to the need for educational contributions, and considered a contribution was necessary for open space and play equipment provision.

In conclusion the Inspector considered the proposal to be in conflict with the development plan and accordingly dismissed the appeal.

Comment

The appeal was made against the failure to give notice within the prescribed period. The Development Committee considered the application on 25 May 2011 and resolved that if it were in a position to determine the case it would have refused the application.