

BABERGH DISTRICT COUNCIL

From: Chief Planning Control Officer	Report Number: L129
To: Development Committee	Date of Meeting: 25 January 2012

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 October 2011 to 31 December 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 Analysis

- 6.1 There are no Equality 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 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. A commonly held to be a measure of good practice for delegated decisions is 90%.

TABLE 1	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11	01.10.11 to 31.12.11
Number of applications on hand at beginning of quarter ¹	267	291	289	283
Number of applications received during quarter	326	291	286	297
Number of applications withdrawn	35	20	14	34
Number of applications on hand at end of quarter.	281	269	254	264
Number of applications determined during quarter	277	303	307	282
Percentage of delegated decisions	87.7	89.1	89.6	88.3

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

- 8.5 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	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11	01.10.11 to 31.12.11
Total number of MAJOR applications determined	7	11	12	5
Total number of MINOR applications determined	62	61	59	70
Total number of OTHER applications determined	208	231	236	207
Total number of applications determined during quarter	277	303	307	282

Source: General Development Control PS2 Return

TABLE 2B	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11	01.10.11 to 31.12.11
Percentage of MAJOR applications determined on time	85.7	63.6	33.3	80.0
Percentage of MINOR applications determined on time	69.4	63.9	57.6	60.0
Percentage of OTHER applications determined on time	80.8	80.1	80.1	76.3

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	55.6	60	☹
Percentage of MINOR applications determined on time	60.85	60.4	65	☹
Percentage of OTHER applications determined on time	76.24	79.1	80	☺

Source: General Development Control PS2 Return/Departmental Records

- 8.6 As will be noted performance within the 'major' category exceeded the target for the quarter, however, performance within the 'minor' and 'other' categories is below the expected level. During the last quarter 5 applications within the combined 'major' category were determined of which 4 were in time. Of the 70 cases determined within the 'minor' category, 42 were in time, and of the 207 'other' cases 158 were in time. Overall 204 cases out of 282 were approved which equates to 72.3%.

Planning Fees

- 8.7 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.
- 8.8 It was estimated that some £367,500 would be received in planning fees during 2011/12 however the budget has been revised upwards to £369,500. As will be noted below, £270,311 has been received to as of 31 December which is less than the anticipated position.
- 8.9 In addition to the income received from fee generating applications, it was estimated that a further £15,000 would be received during the financial year from the administration of submissions relating to the approval of information required by planning conditions. As of 31 December £17,200 had been received from these submissions.

TABLE 3	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11	01.10.11 to 31.12.11
Number of fee applications received	288	240	278	229
Cumulative fees received	333,552	79,381	163,531	270,311
Projected fee income (cumulative)	342,500	91,875	183,750	276,625
Outturn	(8,948)	(12,494)	(20,219)	(6,314)

Source: Departmental Records

Appeals

- 8.10 Table 4 provides details of the number of appeals allowed expressed as a percentage of the total number of appeals determined. Thirteen appeals were recorded in the last quarter however one was withdrawn. Of the twelve cases that were determined, four followed decisions by the Development Committee, one of which was allowed (25%). Of the eight cases that followed a delegated decision two were allowed (25%). All of the appeal decisions made during the past quarter are reviewed in Appendix One.

TABLE 4	01.01.11 to 31.03.11	01.04.11 to 30.06.11	01.07.11 to 30.09.11	01.10.11 to 31.12.11
Number of appeals allowed.	3	6	3 (1 split)	3
Total number of appeals.	12	12	6	13
Percentage of appeals allowed.	25	50	50	23

Source: Departmental Records



9. Appendices

Title	Location
Appeal Decisions 1 October to 31 December 2011.	Attached

10. Background Documents

10.1 None

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APPEAL DECISIONS: 01-October-2011 AND 31-December-2011

Planning Applications

Final Decision: Allowed
Application No: B/11/00601 FHA **Appellant:** Mr P Thompson
Application decision: Development Committee **Appeal Decision Date:** 15-Nov-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Chadacre, Whitesfield, East Bergholt, Colchester, CO7 6SP
Proposal: Erection of side extension, replacement of hip roof and flat roof areas with new gable roof to form living accommodation at first floor.

The Inspector's Reasons: The Inspector considered the main issues to be the effect of the proposal upon the character and appearance of the area and the living conditions of nearby residents. In relation to the first issue the Inspector found that the relatively modest increase in the height of the dwelling as a result of the proposed roof alterations would not have a significant impact upon the character of the street scene. Subject to the use of appropriate materials he concluded that the proposal would not be out of keeping with the surroundings. Turning to the second issue, the Inspector considered that there was a reasonable degree of separation between the proposed development and the neighbouring properties. As a result he was of the view that the proposed modest increase in the height of the property would not have an overbearing impact upon adjacent properties. Furthermore he considered no harmful overlooking would arise from the proposed roof lights to the side of the property and views from the rear of the extension would be at an oblique angle. No obvious conflict was therefore identified with the provisions of Policy ENV7 in the East of England Plan or Policies HS33 and CN01 in the Babergh Local Plan.

Comment

The application was refused by Development Committee on 7 September 2011 contrary to the officer recommendation but in line with the views expressed by the Parish Council.

Final Decision: Allowed
Application No: B/10/01157 LBC **Appellant:** Mrs Harris
Application decision: Delegated **Appeal Decision Date:** 22-Nov-11
Appeal Procedure: Informal Hearing **Appeal Type:** Refusal of planning permission
Location: 4 Ancient Houses, The Street, Kersey, IPSWICH, IP7 6EA
Proposal: Application for Listed Building Consent - Retention of internal alterations (being the installation of a circular stair).

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the works on the historic interest of the Listed Building. He noted the objections raised by English Heritage and the District Council in relation to the impact of the modern staircase and its juxtaposition to a 12 century bay window however it was observed that the circular staircase had a lightweight appearance and did not compete visually with the timber frame to the building or the finer detailing of the bay window. While the Inspector noted the alternative design solution suggested by the Council, he considered it was likely to have a greater impact on the significance of the listed building. Overall he concluded that the impact of the proposal would be less than significant within the meaning to Policy HE9.4 to PPS5 and that the benefits to be derived from allowing the entire building to be used outweighed the harm. The proposal was therefore found to comply with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

Comment

The application was refused on 11 November 2010 contrary to the views expressed by the Parish Council.

Final Decision: Allowed
Application No: B/11/01126 FHA **Appellant:** Mrs L Cochrane
Application decision: Delegated **Appeal Decision Date:** 29-Dec-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: 5 Hawthorn Way, Leavenheath, Colchester, CO6 4RF
Proposal: Erection of single-storey rear extension (demolition of existing rear conservatory).
The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposed development upon the living conditions of the neighbouring residential properties. He observed that the flank walls to the proposed conservatory would only be marginally higher than a typical fence and that the roof would slope away from the mutual boundaries. While the proposed addition was located to the south of No. 6, he did not consider it would result in an undue loss of light. In view its location to the north of No. 4 he did not consider the proposal would have a harmful impact upon the living conditions enjoyed by the occupants of that property. The appeal proposal was therefore found to accord with Policies HS33 and CN01 in the Babergh Local Plan.

Comment

The application was refused on 8 November 2011 contrary to the views expressed by the Parish Council.

Final Decision: Dismissed
Application No: B/11/00683 FHA **Appellant:** Mr Malcolm McAllister
Application decision: Delegated **Appeal Decision Date:** 31-Oct-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Hillcrest House, Bury Road, Lavenham, Sudbury, CO10 9QG
Proposal: Erection of two bay cart lodge with store shed. Installation of solar panels on the southern elevation.
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. He found that the height, bulk and massing of the building and its non-uniform roof structure in a position that was close to the road to be visually intrusive and detrimental to the street scene and surrounding countryside. The proposal was accordingly found to be in conflict with Local Plan Policies CN01 and CR01.

Comment

The application was refused on 10 August 2011 contrary to the views expressed by Lavenham Parish Council.

Final Decision: Dismissed
Application No: B/11/00322 FHA **Appellant:** Mr O Gravell
Application decision: Delegated **Appeal Decision Date:** 16-Nov-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Mill House, Mill Lane, Chelmondiston, Ipswich, IP9 1DR
Proposal: Erection of solar PV panels to the west elevation of the barn.

The Inspector's Reasons:

The Inspector considered the main issue to be the effect of the proposed works upon the special architectural and historic interest of the listed building. In his opinion the barn had a strong sense of architectural integrity despite recent additions to the rear. As such he considered the introduction of solar panels would substantially harm the building. The harm was judged to outweigh any benefits that might be derived in terms of renewable energy generation. Accordingly the proposal was found to conflict with Policies HE1 and HE9 in PPS5 and Local Plan Policies CN01 and EN10.

Comment

The application was refused on 11 May 2011 contrary to the views expressed by Chelmondiston Parish Council.

Final Decision:

Dismissed

Application No:

B/11/00323 LBC

Appellant:

Mr O Gravell

Application decision:

Delegated

Appeal Decision Date:16-Nov-11

Appeal Procedure:

Written Representations **Appeal Type:** Refusal of Listed B/Con Area Mill House, Mill Lane, Chelmondiston, Ipswich, IP9 1DR

Location:

consent

Proposal:

Application for Listed Building Consent - Erection of solar PV panels to the west elevation of the barn.

The Inspector's Reasons:

Please see B/11/00322/FHA above.

Final Decision:

Dismissed

Application No:

B/11/00388 FUL

Appellant:

Mr & Mrs A & C Hood

Application decision:

Delegated

Appeal Decision Date:17-Nov-11

Appeal Procedure:

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

Location:

Land south of Highfields, Ash Street, Semer

Proposal:

Erection of 1 No. detached two-storey dwelling with integral garage.

The Inspector's Reasons:

The Inspector considered there were four main issues: firstly whether the proposal complied with national and local policies on sustainable development, secondly whether it would have an impact upon the character and appearance of the area, thirdly whether the design of the dwelling was appropriate and finally whether the proposal would impact upon the supply of open space.

In relation to the first issue, the Inspector considered that anybody living in the proposed dwelling would be heavily reliant upon the use of private vehicles for access to facilities and services. As such the proposal was found to be in conflict with national planning policy objectives and settlement policies contained within the Local Plan. As far as the second issue was concerned the Inspector found that the proposal would cause harm to the surrounding landscape contrary to the objectives of Local Plan Policy CR01. Turning to design considerations the Inspector was of the view that the proposal would not detract from the local context and was therefore consistent with Local Plan Policies CN01, CR01 and HS28. Finally he considered the application of Local Plan Policy HS32 to be inappropriate in a relatively remote rural area and was not persuaded that a recreational contribution was required. The appeal was nevertheless dismissed on the first and second grounds.

Comment

The application was refused on 4 July 2011 in line with the views expressed by Semer Parish Council.

Final Decision: **Dismissed**
Application No: **B/11/00235 FUL** **Appellant:** **Mr K Grime**
Application decision: Development Committee **Appeal Decision Date:**25-Nov-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Land North West of 1 Ash Grove, Great Cornard, Sudbury, CO10 0HB
Proposal: Erection of detached two-storey dwelling and provision of vehicular parking for 1 Ash Grove.
The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposal upon the character of the area and the living conditions of nearby residents. It was noted that the appeal site was of a reasonable size however its irregular shape was likely to lead to the creation of a rear garden area than was less than the norm for the locality. Taking this and other factors into account the Inspector considered the development would appear cramped and out of keeping with the street scene. Due to the limited depth of the rear garden it was also considered the proposal would be unduly overbearing and harm the living conditions of adjoining residents. The proposal was therefore found to conflict with Local Plan Policies HS28 and CN01.

Comment

The application was refused by Development Committee on 13 July 2011 contrary to the officer recommendation and the views expressed by the Parish Council.

Final Decision: **Dismissed**
Application No: **B/10/01403 FUL** **Appellant:** **TD & AM Bugg**
Application decision: Delegated **Appeal Decision Date:**5-Dec-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Harpers Hill Farm, Harpers Hill, Nayland with Wissington, COLCHESTER,
Proposal: Change of Use of buildings from Class B8 to Classes B1, B2 and B8 with associated parking and servicing areas.
The Inspector's Reasons: The Inspector considered the main issue to be the effect of the development upon the occupants of nearby dwellings in terms of noise and general disturbance. He noted that Local Plan Policy CR18 is supportive of proposals involving the conversion of redundant farm buildings to industrial and business use and that the District Council had no objection to the continued use of the premises for the approved Class B8 use or the proposed B1(b) and (c) uses. It was only the proposed Class B2 use that was in contention.

The Inspector observed that there were a number of buildings on the site and with one exception they could all be used for the purposes applied for without major reconstruction. Despite this, Class B2 is defined as the carrying on of any industrial process other than one falling within Class B1. This implies that it is a use that cannot be carried on in a residential area because of the harm that could arise. Given the proximity of the site to Harper's Hill Bungalow, he concurred with the District Council that the proposal had the propensity to cause harm to residential amenities enjoyed by the occupants of this property and those at Gladwin's Farm Cottages slightly further away.

He was not persuaded by the appellants arguments that the proposed Class B2 uses would be limited in extent or that the effects of noise could be reduced by mitigation, such as keeping roller shutter doors closed. The Inspector therefore considered the proposed change of use was likely to cause significant harm to the living conditions of adjacent residential properties contrary to the aims of Local Plan Policy CR18.

Comment

The application was refused on 13 June 2011 contrary to the views expressed by the Parish Council which raised no objection to the application subject to the imposition of conditions.

Final Decision: **Dismissed**
Application No: **B/11/00486 FUL** **Appellant:** **Trustees of Fiske Lands Trust**
Application decision: Delegated **Appeal Decision Date:** 9-Dec-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: The Bungalow, White House Farm, The Street, Burstall, IPSWICH, IP8 3DP
Proposal: Erection of a pair of semi-detached dwellings and detached triple garage (existing bungalow and garage to be demolished).

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposal upon the character and appearance of the area and the setting of designated and undesignated heritage assets. While the Inspector noted that in principle the proposed development was acceptable, he found the design solution to be inconsistent with the objectives of Local Plan Policies CN01 and HS02. As such the proposed development was found to be in conflict with the prevailing pattern of development in the area. Furthermore the proposal was considered to adversely affect the setting White House Farm, a Grade 2 Listed Building, a pair of 20th century semi-detached dwellings and the arts and crafts style village hall, which although not listed, were considered to be of historic merit.

Comment

The application was refused on 22 July 2011. The parish Council did not comment on the proposals.

Final Decision: **Dismissed**
Application No: **B/11/00626 FUL** **Appellant:** **Mr S Holland**
Application decision: Development Committee **Appeal Decision Date:** 13-Dec-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Hillcrest, Red Hill Road, Hadleigh, IPSWICH, IP7 6BU
Proposal: Erection of terrace of 4 No. dwellings (existing dwelling to be demolished).

The Inspector's Reasons: The Inspector considered the main issue to be the affect of the proposal upon the character and appearance of the area. While he noted that the scheme was more sympathetic in appearance than an earlier appeal proposal, he considered the development would appear unduly large and intrusive, occupying a noticeably greater proportion of the site than was characteristic for the area. As such the development was considered to be cramped in appearance and likely to be dominated by a preponderance of parked vehicles. Accordingly the proposal was found to be in conflict with Local Plan Policies CN01, HS01 and HS28.

Comment

The application was refused by the Development Committee on 13 July 2011 contrary to the officer recommendation but in line with the views expressed by Hadleigh Town Council.

Final Decision: Dismissed

Application No: B/10/01422 FUL **Appellant:** Mr Bird

Application decision: Development Committee **Appeal Decision Date:** 14-Dec-11

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

Location: Cures, Parsonage Green, Cockfield, BURY ST EDMUNDS, IP30 0HB

Proposal: Erection of agricultural building with hard standing.

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposal upon the rural character of the area. He noted that while the appellants land holding extended to 5.86ha, the area in agricultural amounted to 1.9ha. It was therefore upon this basis that he considered the proposal should be assessed. He did not dispute that the rearing and keeping of cattle for non-commercial purposes was an agricultural activity, however he observed that no permitted development rights existed over the land and accordingly the proposal required planning permission. As such it should be assessed against the provisions of PPS7 and Local Plan Policy CR01.

The Inspector noted the expert opinion contained within the justification statement accompanying the application, however he was of the view that the holding could only reasonably accommodate six grazing animals. He did not therefore consider a case had been made for the construction of a barn to accommodate eight cows and eight calves nor was he persuaded by the appellants arguments that additional space was required for the storage of hay and silage. Furthermore he was not satisfied that the amount of equipment, for example three tractors, was necessary for the keeping of livestock. Overall he came to the conclusion that while some additional space may be needed by the appellant, the nature and scale of the enterprise was such that a multi-purpose barn of the type proposed did not accord with Local Plan Policy CR01 and could not be justified on agricultural grounds. The proposal was therefore found to detract from the open character of the surrounding countryside.

Comment

The application was refused by Development Committee on 16 March 2011 contrary to the officer recommendation but in line with the views expressed by the Parish Council.

Final Decision: Withdrawn

Application No: B/11/00484 FUL **Appellant:** Mr W Du Toit

Application decision: Development Committee **Appeal Decision Date:** 16-Nov-11

Appeal Procedure: Written Representations **Appeal Type:** Non-determination within time

Location: The Dental Emporium, Acton Square, Sudbury, CO10 1HQ
allowed

Proposal: Erection of two-storey side extension to accommodate staircase to first floor accommodation and creation of 2 no. residential apartments on part of first-floors (part amendment to P.P. B/98/00796) as amplified by agent's email dated 25 July 2011 and additional cross-section plan numbered PIR/046/004.

The Inspector's Reasons: This case was reported to the Development Committee on 2 November 2011 following the receipt of an appeal against the non-determination of the application. The report set out the District Councils position and the potential reasons for refusal if were in a position to determine the proposal. The appellant subsequently withdrew the case on 16 November 2011.