

BABERGH DISTRICT COUNCIL

From: Head of Economy	Report Number: N105
To: Planning Committee	Date of Meeting: 5 February 2014

PLANNING PERFORMANCE – 1 OCTOBER 2013 TO 31 DECEMBER 2013

1. Purpose of Report

- 1.1 This report provides an overview of the number of planning applications and appeals which were considered by Development Management and an indication of performance against national indicators for the period 1 October 2013 – 31 December 2013.

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

- 5.1.1 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 with the exception of the following:-

- The Babergh and Mid Suffolk Development Management service is transforming and has been designed on a “One Service Model”. Integration is taking place with a new shared Operational Delivery team in place from the 1st July 2013 onwards, with staff working flexibly to address workload needs across both Councils. However the sovereignty of both Councils and the Local Planning Authority status remain separate.

8. Key Information

- 8.1 This quarterly report shows the performance of Development Management 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 (16 weeks when accompanied by an Environmental Statement). 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

- 8.3 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. Table 1A 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%. (As Members will be aware the Protocol for both Councils' Scheme of Delegation changed in April 2013 and are now identical). The third quarter's figures are 92.48% compared with the first quarter's which was 88.4%. The preceding six quarter figures are also detailed for comparison purposes.

TABLE 1	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	01.07.13 to 30.9.13	01.10.13 to 31.12.13
Number of applications on hand at beginning of quarter ¹	309	282	332	248	256	219	231
Number of applications received during quarter	299	304	242	302	298	264	289
Number of applications withdrawn	24	18	20	25	18	27	16

TABLE 1A	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	01.07.13 to 30.9.13	01.10.13 to 31.12.13
Number of applications on hand at end of quarter	280	336	242	257	206	195	238
Number of applications determined during quarter	304	232	312	268	330	261	266
Percentage of delegated decisions	88.4%	88.36%	91.6%	85%	88.4%	91.95%	92.48%

Source: General Development Control PS1 Return

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 for the period 1 April 2012 to 31 March 2013 in comparison with the national target. It also provides an indication of the achievement against the national target.

TABLE 2A	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	01.07.13 to 30.9.13	01.10.13 to 31.12.13
Total number of MAJOR applications determined	9	9	8	6	13	9	11
Total number of MINOR applications determined	75	38	79	59	68	48	50
Total number of OTHER applications determined	220	185	225	203	229	204	205
Total number of applications determined during quarter	304	232	312	268	310	261	266

Source: General Development Control PS2 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 the status of an application has changed after registration.

TABLE 2B	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	01.07.13 to 30.9.13	01.10.13 to 31.12.13
Percentage of MAJOR applications determined on time	44	33	37.5	66.67	69.2	71.43	81.82
Percentage of MINOR applications determined on time	60	50	46.84	59.32	60.29	66.67	70.00
Percentage of OTHER applications determined on time	72	61.08	59.11	75.37	85.49	81.86	86.83

Source: General Development Control PS2 Return

TABLE 2C	Previous Year 2011/12	End of Year 2012/13	National Target	01.07.13 To 30.09.13	01.10.13 to 31.12.13	Direction of Travel
Percentage of MAJOR applications determined on time	60	42.4	60	71.43	81.82	Positive (and exceeds national target)
Percentage of MINOR applications determined on time	59.27	53.75	65	66.67	70.00	Positive (and exceeds national target)
Percentage of OTHER applications determined on time	78.80	66.71	80	81.86	86.83	Positive (and exceeds national target)

Source: General Development Control PS2 Return/Departmental Records

8.6 As will be noted the performance within all three categories (major, minor and others) exceeded the national target for the third quarter of this year and is:-

- a percentage improvement on majors from the second quarter to the third quarter (from 71.43% to 81.82%)
- a percentage improvement on minors from the second quarter to the third quarter (from 66.67% to 70.00%)
- a percentage improvement on others from the second quarter to the third quarter (from 81.86% to 86.83)

The important fact is that planning performance now exceeds national targets in all three categories. Furthermore, all three categories show a marked improvement compared with the year ends 2012/13 and 2011/12. All these improvements should be viewed against the restructuring of the Operational Development Team in Development Management (Tier 5) and changes to planning legislation.

- 8.7 In addition as Members will be aware during the three quarters 1/4/13 to 31/12/13, Planning Committee have considered a number of significant 'major' planning applications including Guilford Europe Great Cornard, Carsons Drive, Great Cornard, Solar Park Tattingstone, 51 dwellings at Long Melford, residential development at Armorex in Lavenham, Tesco's at Hadleigh, Prolog at Churchfield Road, Ganges at Shotley and 30 dwellings at Sroughton. Determination of these cases and others during these three quarters will ultimately result in an increase in the supply of housing land and jobs.
- 8.8 Some of the decision notices for the above major cases will be issued within the quarter 1/1/14 – 31/3/14 because of the need to complete S106 Obligations. This is likely to result in a drop in performance against the Major category for the fourth quarter of this year. However the focused approach towards the timely delivery of 'major' applications to Planning Committee will continue.

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. Previous quarters figures are also included. It excludes listed building applications which do not attract a fee.
- 8.10 It was estimated that £379,500 would be received in planning fees during 2012/13. However as will be noted below, £412,327 has been received in total which is more than the anticipated position.
- 8.11 In addition to the income received from fee generating applications for the year 2012/13, a further £19,060 has been received from the administration of non-material amendments to existing planning applications and submissions relating to the approval of information required by planning conditions against a revised budget estimate of £15,000.
- 8.12 For the third quarter of this year the number of fee generating applications which were received is higher than the immediately preceding six quarters. Whilst the amount of fee income was significantly lower in the first quarter, this has now risen and is above the projected fee income (cumulative) for the third quarter (see Table 3 below).

TABLE 3	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	01.07.13 to 30.09.13	01.10.13 to 31.12.13
Number of fee applications received	232	215	203	230	243	223	260
Cumulative fees received	155,453	218,919	331,102	412,327	77,924	201,728.50	302,163
Projected fee income (cumulative)	94,875	189,750	284,625	379,500	94,875	189,750	284,625

Source: Departmental Records

Appeals

8.13 Table 4 provides details of the number of appeals allowed expressed as a percentage of the total number of appeals determined. The previous six quarters are shown for comparison purposes.

TABLE 4	01.04.12 to 30.06.12	01.07.12 to 30.09.12	01.10.12 to 31.12.12	01.01.13 to 31.03.13	01.04.13 to 30.06.13	01.07.13 to 30.09.13	01.10.13 to 31.12.13
Number of appeals allowed.	8	7	0	4	1	5	6
Total number of appeals.	14	17	7	11	11	15	13
Percentage of appeals allowed.	42.86	41.18	0	36.36	9.09	33.33	46.15

8.14 Within the first quarter, one of the appeals received was an appeal against the Carsons Drive development in Great Cornard. This was an eight day Public Inquiry and it took place in November 2013. The decision has now been issued by the Planning Inspectorate on 9 January 2014; the appeal was dismissed. Within the second quarter, an appeal has been lodged in respect of the Fleetwood Caravan site in Long Melford. This is a two day Public Inquiry which is scheduled to take place in February 2014. A third appeal was received for the Solar Farm at Tattingstone in September 2013. This is a proposed seven day Public Inquiry which is scheduled to take place in April 2014.

8.15 There are three awards of costs against the Council in respect of a proposal for a Veterinary Centre at Pinewood, a development at Aldi in Sudbury and a development at Boss Hoggs Café in Copdock and Washbrook. Two of these costs were determined as part of two allowed appeals within the preceding year 2012-13; the café at Copdock and Washbrook being determined by the Planning Inspectorate on 16 October 2013. All awards have been scrutinized and challenged. Outcomes all as follows (Table 5).

TABLE 5	Full/Partial Award & Date	Agreed Cost Award
B/11/01514 - Land West of Suffolk One, Scrivener Drive, Pinewood . Erection of veterinary centre and teaching practice.	FULL – 7 February 2013	£5135.26 (inc VAT)
B/12/00153 - Aldi Foodstore Ltd, Girling Street, Sudbury. Application under Section 73 of the Town and Country Planning Act (1990) to vary condition attached to P.P. B/99/00168/FUL - Condition 21	FULL – 8 January 2013	£3822.00 (inc VAT)
B/11/00130 - Boss Hoggs Cafe, London Road, Copdock And Washbrook, IPSWICH. Change of use of first-floor letting bedrooms into 1 No. two bedroomed self contained flat.	PARTIAL – 16 October 2013	£1319.75 no VAT

8.16 The Appendix gives information relating to all the appeal decisions within this quarter, with the opportunity for Members to access the application details and the appeal decision using hyperlinks.

Source: Departmental Records

9. Appendices

Title	Location
Appeal Decisions 1 October to 31 December 2013	Attached

10. Background Documents

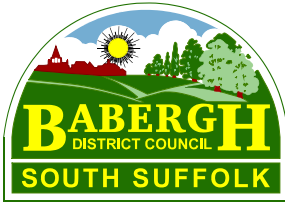
10.1 None

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Development Control Appeals Decided DC and EC

Version 6

Between 1-Oct-13 and 31-Dec-13

Development Control

Total Number of DC Appeals Allowed - Costs awarded:	1
Total Number of DC Appeals Allowed - Permission Granted:	5
Total Number of DC Appeals Dismissed:	7
Total Number of DC Appeals Decided:	13
Percentage of appeals allowed	46.15%
Total Number of DC Appeals Outstanding:	15

Allowed - Costs awarded

Final Decision: Allowed - Costs awarded

Application No: B/11/00130 FUL **Appellant:** Mr T Ingram

Application decision: Delegated **Appeal Decision Date:** 16-Oct-13

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

Location: Boss Hoggs Cafe, London Road, Copdock And Washbrook, IPSWICH, IP8 3JW

Proposal: Change of use of first-floor letting bedrooms into 1 No. two bedroomed self contained flat.

Appeal Notes: Key Issue(s): a) whether the proposal complies with development plan and national policies on the location of residential development; b) the effect of the proposal on the living conditions of future occupiers with particular regard to noise and odours.

Conclusion: Whilst LP policies HS02, HS04 and CR1 clearly seek to restrain new housing in the countryside, they do not directly address the particular characteristics of the appeal proposal. There is no firm evidence to show that the proposal would harm the underlying aims of these policies. Nor would it conflict with the Framework's policies on the location of rural housing. As such, the Inspector concluded that the proposal would not be out of accord with development plan or national policies on the location of residential development.

The proposed flat would be located at first floor level at the front of the building. Therefore, it would sit above the ground floor car sales office. It would also share an entrance with that use. However, there is nothing to suggest that the car sales operation would have an adverse effect on the living conditions of the future occupiers of the flat. The flat would adjoin, but not over-sail the ground cafe floor space. Moreover, the cafe entrance is located a significant distance away from the flat. These arrangements would limit the degree to which noise from the cafe would affect the occupiers of the flat. In addition the cafe currently operates from 0800-1400 hours on weekdays only. It was understood that the opening hours are not controlled by a planning condition. However, given the location and characteristics of the cafe, which appears to be aimed at the transport market, it seems unlikely that it would change to late night opening. The cafe kitchen is located on the rear side of the building and its extractor flue is on the rear roof slope below the ridge line. As such, the flue would be separated from the nearest windows of the flat by a considerable distance and by the bulk of the roof. Consequently, the Inspector considered that the living conditions of future occupiers of the proposed flat would not be adversely affected by noise or odours from the cafe. The proposal would, consequently, accord with paragraph 17 of the Framework which requires development to achieve a good standard of amenity for future occupiers.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 11/00130)

Appeal Decision: http://planning.babergh.gov.uk/doldp/109778_1.pdf

Costs Awarded: http://planning.babergh.gov.uk/doldp/109778_2.pdf

Allowed - Permission Granted

Final Decision: Allowed - Permission Granted

Application No: B/12/00849 FUL **Appellant:** Simbo's Gun Dogs & Grooming

Application decision: Planning Committee **Appeal Decision Date:** 21-Nov-13

Appeal Procedure: Informal Hearing **Appeal Type:** Refusal of planning permission

Location: Land Adj. Thatch End, Stone Street, Boxford

Proposal: Change of use of existing stables and land to dog kennels and ground for the purpose of training, breeding and grooming. Erection of additional kennel block and siting of residential log cabin to be occupied in association with the business, as amplified by submission of Environmental Noise Report with covering letter dated 16 August 2012.

Appeal Notes: Key Issue(s): a) whether the business requires a rural location; b) whether the business justifies a dwelling in the countryside; c) effects on living conditions of neighbours, and d) effect on character and appearance of surrounding area

Conclusion: Rural location - the Inspector noted that the site was outside any designated settlement and that it had only been previously used for horticulture and keeping of horses. He accepted that the use was not compliant with the accepted rural uses in policy CR1, but he took account of the statement in the plan that uses with a direct connection to the rural area, such as gun dog training, may be appropriate. He felt that training of gun dogs was an appropriate use in the countryside and that shooting and use of dogs made a significant contribution to the rural economy. He also considered the appeal site being long and close to water and an existing pigeon shoot was an ideal location. He therefore concluded that a countryside location could be justified.

Dwelling - the Inspector agreed that Annex A of the withdrawn PPS7 was a useful means for assessing such dwellings and applied the five criteria for consideration of temporary accommodation. He found them all to be met including that there was an animal welfare and security justification for 24 hour on site supervision of the dogs. He also found the one bedroom size of the proposed log cabin consistent in scale with the needs of the business.

Impact on Living conditions - the Inspector noted that following 3 complaints to Environmental Health about dog noise, but none had been found to constitute a statutory nuisance. He accepted that gun dogs are trained not to bark in response to external stimuli and that it was possible to enforce the keeping of gun dogs only on the site, although he noted that puppies and young untrained dogs might react. The Inspector noted that a noise report had not identified barking as a significant noise source and that it was generally masked by other dominant sounds including aircraft and road noise. Having regard to proposed insulation of the buildings and the layout of the development relative to neighbours he concluded that the proposal would not have any significant adverse impacts on the health or quality of life of neighbours.

Loss of privacy - the Inspector considered that proposed rear windows in the log cabin would reduce the privacy of the occupiers of Chapel House, but that this could be overcome by installation of obscure glazing.

Impact on the surrounding area - the Inspector noted that the site was within the Boxford Conservation area and a Special Landscape Area. The existing barn was viewed from the road was seen against the background of a cluster of buildings. He felt that the removal of polytunnels would provide a slight improvement to visual amenity and that the proposed log cabin and kennel building would have no significant impact on either the conservation area or the SLA.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/00849)

Appeal Decision: http://planning.babergh.gov.uk/doldp/107938_3.pdf

Final Decision: Allowed - Permission Granted

Application No: B/12/01099 FUL **Appellant:** Keith Ferguson & Nicola Steinson

Application decision: Delegated **Appeal Decision Date:** 1-Nov-13

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

Location: Springfield House, Harkstead Road, Holbrook, IPSWICH, IP9 2RA

Proposal: Erection of two-storey dwelling and detached cartlodge outbuilding (following demolition of existing bungalow).

Appeal Notes: Key Issue(s): The effect of the proposal on the character and appearance of the street scene and the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB).

Conclusion: The proposed dwelling would be significantly larger than the existing bungalow, as acknowledged by the appellants, and for that reason the scheme would conflict with saved policy HS05 of the Local Plan. However, the supporting text to HS05 indicates that replacement dwellings that are significantly larger than the original dwelling may be considered where the extent of the site would enable a larger dwelling to be in proportion. The Inspector noted that development in the vicinity of the appeal site is characterised by large detached dwellings set in generous plots, and that appeal site is similar in size to neighbouring plots, but the existing bungalow is noticeably smaller in scale than other dwellings nearby. The Inspector considered the overall scale of the proposed development would be similar to other properties nearby, and that accordingly, the proposed dwelling, although larger than the existing, would be in proportion with the site and with the pattern of development in the surrounding area. For the above reasons, the Inspector was satisfied that the proposal would not appear out of place or cause harm to the character and appearance of the street scene or AONB because of its siting, scale and detailed design, having had regard to the size of the existing plot and the scale of existing dwellings in close proximity to the site.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01099)

Appeal Decision: http://planning.babergh.gov.uk/doldp/104369_5.pdf

Final Decision: Allowed - Permission Granted

Application No: B/12/01503 FHA **Appellant:** Mr K Smith

Application decision: Delegated **Appeal Decision Date:** 19-Dec-13

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

Location: 7 Station Yard, Hadleigh, IPSWICH, IP7 5TG

Proposal: Insertion of 4 no. velux windows (replacing roof access doors) (retention and completion of).

Appeal Notes: Key Issue(s): effect of the proposals on the special architectural or historic interest of the listed building and the implications of the proposals for the living conditions of the neighbouring residences especially in terms of their privacy.

Conclusion: Special architectural and historic interest of the listed building would be preserved. Conditions could overcome perceived and actual overlooking including obscure glazing to all rooflights and the fitting of window restrictors to the rear roof lights.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01503)

Appeal Decision: http://planning.babergh.gov.uk/doldp/112768_1.pdf

Officers Recommendation: Refuse Planning Permission.

Final Decision: **Allowed - Permission Granted**

Application No: B/12/01504 LBC **Appellant:** Mr K Smith

Application decision: Delegated **Appeal Decision Date:** 19-Dec-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of Listed B/Con Area consent

Location: 7 Station Yard, Hadleigh, IPSWICH, IP7 5TG

Proposal: Application for Listed Building Consent - Insertion of 4 no. velux windows (replacing roof access doors) (retention and completion of).

Appeal Notes: Key Issue(s): Effect of the proposals on the special architectural or historic interest of the listed building.

Conclusion: Special architectural and historic interest of the listed building would be preserved.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01504)

Appeal Decision: http://planning.babergh.gov.uk/doldp/112771_1.pdf

Officers Recommendation: Refuse Planning Permission.

Final Decision: **Allowed - Permission Granted**

Application No: B/12/01541 FUL **Appellant:** Mrs E Haywood - Macleish

Application decision: Planning Committee **Appeal Decision Date:** 3-Dec-13

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

Location: Land to rear of Chapel House, Chapel Green, Little St Marys, Long Melford, SUDBURY

Proposal: Erection of 2 No. two-storey dwellings including garaging and outbuildings.

Appeal Notes: Key Issue(s): Living conditions of adjoining residential properties in respect of outlook and privacy.

Conclusion: Not an overdevelopment of the site & would not result in significant harm to the living conditions of neighbouring properties in respect of outlook and privacy.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01541)

Appeal Decision: http://planning.babergh.gov.uk/doldp/106279_7.pdf

Officers Committee Recommendation: Grant Planning Permission subject to a Section 106

Dismissed

Final Decision: Dismissed

Application No: B/12/00813 FUL **Appellant:** Mr & Mrs T Dodwell

Application decision: Delegated **Appeal Decision Date:** 26-Nov-13

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

Location: Gilly Flower House, Rockalls Road, Polstead, Colchester, CO6 5AR

Proposal: Erection of detached house, double garage and re-location of stables. As amended by agents letters dated 7th September 2012 and 29th October 2012 and amended plans numbered 1107/120A, 121A and 124A.

Appeal Notes: Key Issue(s): The effect of the proposed development on the character and appearance of the surrounding area.

Conclusion: The Inspector noted that the appeal site adjoined a field with a rural character and the undeveloped and verdant appearance of the appeal site when viewed from the field contributed positively to the conservation area. It was also noted that the pattern of development fronted the street and was generally one property deep. The proposed house in the back garden was judged to be an isolated, modern development with limited visual relationship to nearby development. Trees on the boundary would not screen the development.

The Inspector reasoned that the proposals would be a conspicuous backland development resulting in significant visual harm to the rural landscape and scenic beauty of the AONB, be poorly related to the historic pattern of development and would not preserve the character or appearance of the conservation area, which would not be outweighed by public benefits. The Inspector accepted that the AVRA designation was in accordance with the NPPF, which he stated allowed local communities to identify and protect important green areas and protect them from inappropriate development in residential gardens.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/00813)

Appeal Decision: http://planning.babergh.gov.uk/doldp/106390_3.pdf

Final Decision: Dismissed

Application No: B/12/01412 FUL **Appellant:** David Brown and Company

Application decision: Delegated **Appeal Decision Date:** 16-Dec-13

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

Location: The Crow's Nest, Pin Mill Road, Chelmondiston, IPSWICH, IP9 1JN

Proposal: Erection of 3 No. dwellings and garages (following demolition of existing bungalow). Alterations to vehicular access and construction of private drive, as amended by land contamination questionnaire received 21st December 2012.

Appeal Notes: Key Issue(s): The effect of the proposal on the character and appearance of the area, having particular regard to the proximity of the Pin Mill Conservation Area, the setting of the nearby listed building and the natural beauty of the AONB; and the effect of the proposal on protected species on site and protected habitats in the area.

Conclusion: The proposal would be harmful to the character and appearance of the area; it would not preserve or enhance the character or appearance of the Pin Mill Conservation Area, would not preserve the setting of the listed building and would not conserve the natural beauty of the AONB. Therefore, it would be contrary to the overlapping aims of the LP Policies CN06, CN08, CR02 and HS28, which require the amount, scale, form, siting and design of new development not to be detrimental to the environment and the character of the locality, to harmonise with listed buildings and respect the features which contribute positively to their setting, to preserve or enhance the character of conservation areas or their setting and to avoid significant impacts from development on the AONB. The appeal development would also not meet the aims of paragraph 17 of the Framework, to secure high quality design, take account of the different roles and character of different areas, recognise the intrinsic beauty of the countryside and conserve heritage assets in a manner appropriate to their significance.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01412)

Appeal Decision: http://planning.babergh.gov.uk/doldp/113831_1.pdf

Final Decision: **Dismissed**

Application No: **B/12/01432 FUL** **Appellant:** **Mrs Dunnett**

Application decision: Delegated **Appeal Decision Date:** 16-Oct-13

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

Location: Creems, Bures Road, Nayland with Wissington, COLCHESTER, CO6 4ND

Proposal: Change of use from agricultural land to residential to allow for new driveway, parking area and erection of garage for use with existing dwelling. As amended by Agent's letter dated 9th January 2013 and amended plan CNW/1A.

Appeal Notes: Key Issue(s): The effects of the proposal on a) the character and appearance of the area, particularly having regard to the site's location within the Dedham Vale Area of Outstanding Natural Beauty (AONB) and b) protected species and their habitat.

Conclusion: The Inspector noted that the appeal proposal would breach the existing residential boundary and extend the residential use, associated car movements and parking as well as built development onto agricultural land which is currently open in character. A proposed garage would straddle the boundary and, consequently, its location would relate poorly to the established group of residential buildings at The Creems and the adjoining Wiston Barn

The Inspector recognised that the proposal includes planting along the southern boundary of the site but felt that even when established, the position and shape of this hedge line would be at odds with the characteristic pattern of boundary planting in the area and would, thereby, signify the incursion of residential use into the agricultural field.

He concluded that by virtue of its location and form, the proposal would have a harmful effect on the character and appearance of the area generally and would be damaging to the landscape character of the AONB in particular contrary to policies CR01 and CR02. The Inspector alleged benefits to highway safety and convenience claimed for the proposal but these would not outweigh the harm identified.

An Ecological Appraisal was submitted with the appeal. This includes a survey of the site and surrounding area and its potential to support the species including great crested newts. He found that, with appropriate mitigation, the proposal would be unlikely to impact on protected species or habitats and would have the potential to enhance the ecological value of the site.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01432)

Appeal Decision: http://planning.babergh.gov.uk/doldp/110395_1.pdf

Final Decision: Dismissed

Application No: B/12/01435 ADV **Appellant:** Majestic Wine Warehouse

Application decision: Planning Committee **Appeal Decision Date:** 31-Oct-13

Appeal Procedure: Written Representations **Appeal Type:** Refusal of Advertisement Consent

Location: Plumbase Ltd, Northern Road, Chilton Industrial Estate, Sudbury, CO10 2XQ

Proposal: Application for Advertisement Consent - Installation of 1 No. Set of individual led illuminated letters/logos to front elevation and 1 No. double-sided internally illuminated totem sign.

Appeal Notes: Key Issue(s): The effect of the fascia sign on the character and appearance of the area and the host building.

Conclusion: The positioning and scale of the fascia sign relates poorly to the host building and, as a result, it is a dominant and incongruous feature on a highly visible elevation. The appellant argues that the sign adds visual interest to a utilitarian building. Whilst signage can have this effect, in this case, it is outweighed by the dominance of the sign. The proposed sign is at odds with other fascia signage in the area. The proposed fascia sign would have a harmful effect on the character and appearance of the area and the host building. It would not, therefore, comply with paragraph 67 of the NPPF which advises that poorly placed advertisements can have a negative impact on the appearance of the built environment. The NPPF and the Regulations require that decisions on advertisements are made only in the interests of amenity and, where applicable, public safety. As such, although the Inspector has taken into account the appellant's economic justification for the sign and the Council's development plan policies, they have not been decisive considerations in reaching the decision. The same applies to the Council's concern that allowing the sign would set an undesirable precedent.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 12/01435)

Appeal Decision: http://planning.babergh.gov.uk/doldp/110395_1.pdf

Final Decision: Dismissed

Application No: B/13/00223 FHA **Appellant:** Mrs T Godfrey

Application decision: Delegated **Appeal Decision Date:** 7-Oct-13

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

Location: Maythorns, Whitesfield, East Bergholt, COLCHESTER, CO7 6SP

Proposal: Erection of single-storey side extension.

Appeal Notes: Key Issue(s): Effect of the proposal on the character and appearance of the existing dwelling and the surrounding area.

Conclusion: The design of the proposed glazed link would differ from that of the existing bungalow in a number of respects, including the narrow gabled roof form, the raised eaves level, the extensive use of glazing and the use of render. Its eaves would be around 0.9 metre above those of the existing bungalow and proposed garage. Although recessed slightly from the front wall of the bungalow and new garage, the roof of the glazed link would project noticeably in front of the plane of the hipped roofs on either side. Because of its height and contrasting design, it would be a conspicuous feature on the front of the property and in the street scene generally. The glazed link would disrupt the simple lines and form of the existing bungalow and proposed garage, and as a result would appear out of place. The proposal would therefore conflict with policies HS33 and CN01 and the NPPF.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 13/00223)

Appeal Decision: http://planning.babergh.gov.uk/doldp/109373_1.pdf

Final Decision: **Dismissed**

Application No: **B/13/00729 FHA** **Appellant:** **Mr & Mrs P Thompson**

Application decision: Planning Committee **Appeal Decision Date:** 20-Nov-13

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

Location: Chadacre, Whitesfield, East Bergholt, COLCHESTER, CO7 6SP

Proposal: Erection of gable roof and side extension to form additional living accommodation (part retention of), as amended by revised drawing nos. GP21 10D and GP21 12A, received on 21st August 2013.

Appeal Notes: Key Issue(s): a) The effect of the proposal on the character and appearance of the Street Scene; b) the proposal's effect on the living conditions of neighbouring occupiers; and c) whether any identified harm is outweighed by other considerations, including extant planning permission B/11/00601/FHA, and consistency in decision-making.

Conclusion: The proposal fails to comply with Local Plan Policies CN01 and HS33 and a core principle of the NPPF. The unacceptable harm to the appearance, character and amenity of the residential environment is not outweighed by other considerations (such as the previous planning approval B/11/00601/FHA). The direction provided by the Local Plan and the NPPF should prevail.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 13/00729)

Appeal Decision: http://planning.babergh.gov.uk/doldp/111368_1.pdf

Final Decision: **Dismissed**

Application No: **B/13/00858 FHA** **Appellant:** **Mr Savory**

Application decision: Delegated **Appeal Decision Date:** 11-Dec-13

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

Location: 7 Pottersfield, Great Cornard, SUDBURY, CO10 0ZP

Proposal: Conversion of integral garage to ground floor dining/living space.

Appeal Notes: Key Issue(s): Effect of the proposal on the character and appearance of the area.

Conclusion: In the context of the street as a whole the loss of green space would have a significant and adverse impact on the character and appearance of the street, by reducing the softening effect of the green area. If the proposal were to be allowed, it would make it difficult to resist other future proposals and the cumulative impact on the character and appearance of the estate would be unacceptable.

Application Details: <http://planning.babergh.gov.uk> (Quick Search: 13/00858)

Appeal Decision: http://planning.babergh.gov.uk/doldp/112352_1.pdf

Officers Delegated Recommendation: Refuse Planning Permission.

Total Number of DC Appeals Decided: **13**