

BABERGH DISTRICT COUNCIL

From: Head of Economy	Report Number: N46
To: Planning Committee	Date of Meeting: 7 August 2013

PLANNING PERFORMANCE – 1 APRIL 2013 TO 30 JUNE 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 April 2013 – 30th June 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 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

- 8.4 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%. (As Members will be aware the Protocol for both Councils' Scheme of Delegation changed in April 2013 and are now identical). The preceding four 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
Number of applications on hand at beginning of quarter ¹	309	282	332	248	256
Number of applications received during quarter	299	304	242	302	298
Number of applications withdrawn	24	18	20	25	18

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 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
Number of applications on hand at end of quarter.	280	336	242	257	206
Number of applications determined during quarter	304	232	312	268	330
Percentage of delegated decisions	88.4%	88.36%	91.6%	85%	88.4%

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
Total number of MAJOR applications determined	9	9	8	6	13
Total number of MINOR applications determined	75	38	79	59	68
Total number of OTHER applications determined	220	185	225	203	229
Total number of applications determined during quarter	304	232	312	268	310

Source: General Development Control PS2 Return

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
Percentage of MAJOR applications determined on time	44	33	37.5	66.67	69.2
Percentage of MINOR applications determined on time	60	50	46.84	59.32	60.29
Percentage of OTHER applications determined on time	72	61.08	59.11	75.37	85.49

Source: General Development Control PS2 Return

TABLE 2C	Previous Year 2011/12	End of Year 2012/13	National Target	01.04.13 to 30.06.13	Direction of Travel
Percentage of MAJOR applications determined on time	60	42.4	60	69.2	Positive (and exceeds national target)
Percentage of MINOR applications determined on time	59.27	53.75	65	60.29	Positive (but below national target)
Percentage of OTHER applications determined on time	78.80	66.71	80	85.49	Positive (and exceeds national target)

Source: General Development Control PS2 Return/Departmental Records

- 8.6 As will be noted the performance within the 'major' and other category exceeded the national target for the first quarter of this year. However, performance within the 'minor' category is below the national level. However all three categories show a marked improvement compared with the year end 2012/13 and in the Minor and Other category an improvement upon performance in the year 2011/12. All these improvements should be viewed against the restructuring of the Operational Development Team in Development Management (Tier 5) and changes to the planning legislation.
- 8.7 In addition during the quarter 1/4/13 to 30/6/13, 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 and the residential development at Armorex in Lavenham. Determination of some of these cases will ultimately result in an increase in the supply of housing land.
- 8.8 Some of the decision notices for the above major cases will be issued within the quarter 1/7/13 – 30/9/13 because of the need to complete S106 Obligations. This coupled with the imminent issue of Harp Close Meadow at Sudbury (also a major case but determined earlier in 2013) is likely to result in a drop in performance against the Major category for the 2nd 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. It therefore excludes listed building and conservation area consent applications which do not attract a fee.
- 8.10 It was estimated that some £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 20/2/13, 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 first quarter of this year the number of fee generating applications which were received is higher than the immediately preceding four quarters. However the amount of fee income is significantly lower than that received in the first quarter of last year (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
Number of fee applications received	232	215	203	230	243
Cumulative fees received	155,453	218,919	331,102	412,327	77,924
Projected fee income (cumulative)	94,875	189,750	284,625	379,500	94,875

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 4 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
Number of appeals allowed.	8	7	0	4	1
Total number of appeals.	14	17	7	11	11
Percentage of appeals allowed.	42.86	41.18	0	36.36	9.09

- 8.14 Within this quarter, one of the appeals received is an appeal against the Carsons Drive development in Great Cornard. This is a Public Inquiry.
- 8.15 There are two awards of costs against the Council in respect of a proposal for a Vets at Pinewood and a development at Aldi in Sudbury. Both of these costs were determined as part of two allowed appeals within the preceding year 2012-13; both awards are currently being scrutinized and challenged.
- 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 April to 30 June 2013	Attached

10. Background Documents

10.1 None

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APPENDIX 1

Development Control Appeals Decided DC and EC

Version 6

Between 1-Apr-13 and 24-Jul-13

Development Control

Total Number of DC Appeals Allowed - Permission Granted:	1
Total Number of DC Appeals Dismissed:	8
Total Number of DC Appeals No further action on appeal:	1
Total Number of DC Appeals Withdrawn:	1
Total Number of DC Appeals Decided:	11
Percentage of appeals allowed	9.09%
Total Number of DC Appeals Outstanding:	21

Enforcement Control

Total Number of EC Appeals :	
Total Number of EC Appeals Decided:	
Total Number of EC Appeals Outstanding:	1

Development Control

Number of Written Representations	9	Granted:	1
Number of Informal Hearings	1	Granted:	0
Number of Public Enquiries	0	Granted:	0

Allowed - Permission Granted

Final Decision: Allowed - Permission Granted

Application No: B/12/01260/FHA **Appellant:** Mr & Mrs I Chambers

Application decision: Delegated **Appeal Decision Date:** 10-May-13

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

Location: 1 Church Farm Cottages, The Street, Elmsett, IPSWICH, IP7 6PB

Proposal: Erection of first-floor side extension and external alterations to create a self contained residential annex.

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

Conclusion: Proposal would not appear overly dominant, incongruous, or disproportionate due to its stepped design, and the fact that it would not further widen the building.

Proposal would not significantly harm the character or appearance of the area, or the objectives of the NPPF or policies CN01, CR01, and HS33 of the Babergh Local Plan Alteration No. 2 (2006)

Application Details: <http://planning.babergh.gov.uk> (Quick Search 12/01260)

Appeal Decision: http://planning.babergh.gov.uk/doldp/101531_1.pdf

Dismissed

Final Decision: **Dismissed**

Application No: **B/12/00091/FUL**

Appellant: **Mr Norfolk**

Application decision: Delegated

Appeal Decision Date: 4-Jul-13

Appeal Procedure: Written Representations

Appeal Type: Refusal of planning permission

Location: 9 & 11 Mill Street, Nayland with Wissington, COLCHESTER, CO6 4HU

Proposal: Erection of 1 no. pair of semi-detached two-storey dwellings with provision of associated parking (following demolition of existing disused bus garage).

Appeal Notes: The Inspector did not support the appellant's argument that the employment site had been abandoned but did not support the Council's grounds of refusal relating to the site not having been marketed for employment purposes as there was no local evidence that such employment sites are needed.

The Inspector however agreed with the Council that the proposal would harm the listed building, conservation, highway safety and the neighbouring TPO protected plane tree. The Inspector also agreed that the design would be poor and the application should have been supported by a protected species survey. The Inspector also considered that neighbouring amenity would be adversely impacted by way of noise (not an issue raised by the Council).

Application Details: <http://planning.babergh.gov.uk> (Quick Search 12/00091)

Appeal Decision: http://planning.babergh.gov.uk/doldp/94840_5.pdf

Dismissed

Final Decision: Dismissed

Application No: B/12/00092/LBC

Appellant: Mr Norfolk

Application decision: Delegated

Appeal Decision Date: 4-Jul-13

Appeal Procedure: Written Representations

Appeal Type: Refusal of Listed B/Con Area consent

Location: 9 & 11 Mill Street, Nayland with Wissington, COLCHESTER, CO6 4HU

Proposal: Application for Listed Building Consent - Reinstatement of 1 no. window on front elevation, replacement of bay window with 1 no. window on side elevation, blocking up of 1 no. door opening on side elevation, removal of canopy to side elevation and blocking up of 1 no. window to opening on side elevation (alterations to No. 9 Mill Street)

Appeal Notes: The Inspector concluded that the applicant had failed to provide a robust Heritage Statement justifying the works proposed. This was contrary to the NPPF. Also found harm to the listed building.

Application Details: <http://planning.babergh.gov.uk> (Quick Search 12/00092)

Appeal Decision: http://planning.babergh.gov.uk/doldp/94841_3.pdf

Dismissed

Final Decision: Dismissed

Application No: B/12/00274/FUL

Appellant: Mr Ladak

Application decision: Development Committee

Appeal Decision Date: 3-May-13

Appeal Procedure: Written Representations

Appeal Type: Refusal of planning permission

Location: 117 Bures Road, Great Cornard, Sudbury, Suffolk

Proposal: Change of use from Shop (Class A1) to Hot Food Take-away (Class A5) with internal/external alterations and installation of extraction equipment (as amended by letter dated 12/09/12 and accompanying Drawing Ref 2247/2g and letter from RdB Associates).

Appeal Notes: Key Issue(s): Effects of proposal on highway safety, and on living conditions at neighbouring properties.

Conclusion: Although there is no evidence that the proposed change of use would have any undue effects on neighbours' living conditions, it would give rise to unacceptable risks to highway safety.

Application Details: <http://planning.babergh.gov.uk>
(Quick Search: 12/00274)

Appeal Decision: http://planning.babergh.gov.uk/doldp/101098_1.pdf

Officers Committee Recommendation: Refuse Planning Permission

Dismissed

Final Decision: Dismissed

Application No: B/12/00535/FUL

Appellant:

Haydon Holdings Ltd

Application decision: Delegated

Appeal Decision Date: 17-Jul-13

Appeal Procedure: Written Representations

Appeal Type: Refusal of planning permission

Location: Great Green Farmhouse, Great Green, Cockfield, BURY ST EDMUNDS, IP30 0HQ

Proposal: Erection of a two-storey dwelling, and cartlodge with associated works. Construction of new access. Erection of cartlodge to existing dwelling.

Appeal Notes:

The Inspector did not object to the contemporary design but considered the dwelling, along with its hard standing and garage, would be too large and dominant adversely impact on the AVRA the site was located within.

Application Details: <http://planning.babergh.gov.uk>
(Quick Search: 12/00535)

Appeal Decision: http://planning.babergh.gov.uk/doldp/98423_2.pdf

Dismissed

Final Decision: Dismissed

Application No: B/12/00983/FUL

Appellant:

Mr A Harvey

Application decision: Delegated

Appeal Decision Date: 30-May-13

Appeal Procedure: Written Representations

Appeal Type: Refusal of planning permission

Location: Land Rear Of Ivy Cottage, Lavenham Road, The Heath, Great Waldingfield

Proposal: Erection of detached single storey dwelling and formation of new vehicular access to Ivy Cottage.

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

Conclusion: the proposal would materially harm the character and appearance of the area and be contrary to the objectives of policies HS02, HS28 and CN01. The NPPF advises that inappropriate development of residential gardens should be resisted where it would cause harm to the local area, and that planning permission should be refused for development that fails to improve the character and quality of an area

Application Details: <http://planning.babergh.gov.uk>
(Quick Search 12/00983)

Appeal Decision: http://planning.babergh.gov.uk/doldp/98948_1.pdf

Dismissed

Final Decision: Dismissed

Application No: B/12/01074/FHA

Appellant: Mrs L Bell

Application decision: Delegated

Appeal Decision Date: 10-Apr-13

Appeal Procedure: Written Representations

Appeal Type: Refusal of planning permission

Location: 1 The Green, Hadleigh, Ipswich, IP7 6AE

Proposal: Erection of 1.5 metre high side boundary fence (retention of).

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

Conclusion: The new fence stands out in the street scene as a stark and prominent feature which detracts from the character and appearance of the locality, contrary to the requirements of Policy CN01.

Application Details: <http://planning.babergh.gov.uk>
(Quick Search: 12/01074)

Appeal Decision: http://planning.babergh.gov.uk/doldp/99831_1.pdf

Dismissed

Final Decision: Dismissed

Application No: B/12/01223/FUL **Appellant:** Punch Taverns

Application decision: Delegated **Appeal Decision Date:** 20-Jun-13

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

Location: The Highbury Barn, 46 Canhams Road, Great Cornard, SUDBURY, CO10 0ER

Proposal: Erection of a building for class A1 (retail), including access, parking, servicing and landscaping. Demolition of existing public house.

Appeal Notes: Key Issue(s): 1) Is the public house is an important local feature and heritage asset for the purposes of the relevant local and national planning policies and the potential implications of its demolition. 2) The effect of the proposed retail development on the character and appearance of the area.

Conclusion: The public house is a heritage asset of local significance; therefore, in the absence of a satisfactory scheme for the redevelopment of the site, it was concluded there is no justification for its demolition. The appeal proposal is contrary to Local Plan policy CN01, insofar as it seeks to maintain local distinctiveness and requires that proposals pay particular attention to incorporating local features both natural and built.

Application Details: <http://planning.babergh.gov.uk>
(Quick Search 12/01223)

Appeal Decision: http://planning.babergh.gov.uk/doldp/98881_2.pdf

Note: This is an important decision with wider implications. The Council had served an Article 4 Direction removing permitted development rights to demolish the building. In finding that the building is a heritage asset and not allowing its redevelopment the decision has given the concept of a 'Local List' that could protect local unlisted buildings of local significance some protection.

Dismissed

Final Decision: Dismissed

Application No: B/12/01501/FHA **Appellant:** Mr C Webster

Application decision: Delegated **Appeal Decision Date:** 21-Jun-13

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

Location: Woodview, Bury Road, Thorpe Morieux, BURY ST EDMUNDS, IP30 0NR

Proposal: Erection of two-storey side extension (following demolition of existing detached garage building).

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

Conclusion: The proposal would have a harmful effect on the character and appearance of the building and surrounding area. It would conflict with policies CN01 and HS33 and also the core planning principle of securing high quality design in the NPPF and would fail to reinforce local distinctiveness.

Application Details: <http://planning.babergh.gov.uk>
(Quick Search: 12/01501)

Appeal Decision: http://planning.babergh.gov.uk/doldp/103891_1.pdf

No further action on appeal

Final Decision: No further action on appeal

Application No: B/12/00090/CAC

Appellant: Mr Norfolk

Application decision: Delegated

Appeal Decision Date: 4-Jul-13

Appeal Procedure: Written Representations

Appeal Type: Refusal of Listed B/Con
Area consent

Location: 9 & 11 Mill Street, Nayland with Wissington, COLCHESTER, CO6 4HU

Proposal: Application for Conservation Area Consent - Demolition of existing disused bus garage.

Appeal Notes: Conservation Area Consent not required as the buildings in question are listed.
30/11/12 - Statement attached in Acollate and Electronic Appeals Folder. DJ

Application Details: <http://planning.babergh.gov.uk>
(Quick Search: 12/00090)

Appeal Decision: http://planning.babergh.gov.uk/doldp/94839_3.pdf

Withdrawn

Final Decision: Withdrawn

Application No: B/12/01181/FUL

Appellant: Mr J Fincham

Application decision: Delegated

Appeal Decision Date: 11-Jul-13

Appeal Procedure:

Appeal Type: Non-determination within time allowed

Location: Ash Keys and Pigeon Hall Farm, New Road, Nedging with Naughton, IPSWICH, IP7 7BX

Proposal: Erection of 2 No. 14.97m high micro scale wind turbines.

Appeal Notes:

Application Details: <http://planning.babergh.gov.uk>
(Quick Search: 12/01181)

Total Number of DC Appeals Decided: 11

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