

BABERGH DISTRICT COUNCIL

FROM: Chief Planning Control Officer

REPORT NUMBER: **K72**

TO: Development Committee

DATE OF MEETING: 4 August 2010

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 Government indicators for the period 1 April to 30 June, 2010.

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 this report.

4. RISK MANAGEMENT

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

5. EQUALITY AND DIVERSITY IMPACTS

- 5.1 There are no Equality and Diversity implications arising directly from this report.

6. KEY INFORMATION

- 6.1 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.

- 6.2 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.

6.3 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, however, uses a locally defined threshold of 25%.

Applications Received and Determined

6.4 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 provides details of the number of applications that were determined in accordance with the scheme of delegation expressed as a percentage of all decisions.

6.5 As will be noted the number of applications received during the last quarter has increased in comparison with the generally broad trend of 325 cases per quarter over the preceding previous three quarters.

6.6 The percentage of decisions made in accordance with the scheme of delegation is below the generally accepted threshold of 90% which is commonly held to be a measure of good practice. This position has not changed when comparison is made with the preceding three quarters.

| TABLE 1 | 01.07.09 to 30.09.09 | 01.10.09 to 31.12.09 | 01.01.10 to 31.03.10 | 01.04.10 to 30.06.10 |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Number of applications on hand at beginning of quarter ¹ | 218 | 243 | 308 | 314 |
| Number of applications received during quarter | 317 | 322 | 337 | 363 |
| Number of applications withdrawn | 16 | 13 | 26 | 28 |
| Number of applications on hand at end of quarter. | 246 | 317 | 323 | 324 |
| Number of applications determined during quarter | 273 | 235 | 296 | 325 |
| Percentage of delegated decisions | 86.1 | 85.5 | 88.9 | 87.4 |

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

- 6.7 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 and the locally defined stretched targets. It also provides an indication of the direction of travel.

| TABLE 2A | 01.07.09 to 30.09.09 | 01.10.09 to 31.12.09 | 01.01.10 to 31.03.10 | 01.04.10 to 30.06.10 |
|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Total number of MAJOR applications determined | 3 | 1 | 8 | 4 |
| Total number of MINOR applications determined | 67 | 61 | 64 | 69 |
| Total number of OTHER applications determined | 203 | 173 | 224 | 252 |
| Total number of applications determined during quarter | 273 | 235 | 296 | 325 |

Source: General Development Control PS2 Return

| TABLE 2B | 01.07.09 to 30.09.09 | 01.10.09 to 31.12.09 | 01.01.10 to 31.03.10 | 01.04.10 to 30.06.10 |
|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Percentage of MAJOR applications determined on time | 66.6 | 0 | 62.5 | 25 |
| Percentage of MINOR applications determined on time | 64.2 | 55.7 | 65.6 | 57.9 |
| Percentage of OTHER applications determined on time | 89.2 | 73.9 | 72.8 | 67.1 |

Source: General Development Control PS2 Return

| TABLE 2C | Previous Year 2009/10 | Year to date 2010/11 | National Target | Babergh Stretched Target | Direction of Travel |
|--|--------------------------------------|-------------------------------------|----------------------------|---|--------------------------------|
| Percentage of MAJOR applications determined on time | 64.47 | 25 | 60 | 80 | ☹ |
| Percentage of MINOR applications determined on time | 67.42 | 57.9 | 65 | 75 | ☹ |
| Percentage of OTHER applications determined on time | 81.83 | 67.1 | 80 | 90 | ☹ |

Source: General Development Control PS2 Return/Departmental Records

- 6.8 As will be noted performance within all application categories has slumped below the national targets and follows the downward trend that was reported for quarters three and four in previous papers to Development Committee. Only four applications within the major category were determined within the quarter of which one was in time. Of the 69 cases determined within the minor category, 40 were in time, and of the 252 other cases 169 were in time. Overall 278 cases out of 325 were approved which equates to 85.5%.
- 6.9 As reported in Paper K12 to the Development Committee on 12 May 2010 this decline is attributable to a number of factors, the most notable of which is a reduction in the number of planning support staff (1.1 FTE), the redeployment/loss of two planning officers as a direct response to addressing a budget deficit of some £100,000 arising from a decline in planning application fees in 2009/10. It is, however, evident that the resultant establishment is not sufficient to cater for the demands that are placed on the service or to maintain targeted performance. Despite the financial pressures facing the District Council agreement has been given to fill a vacant planning officer post and a vacancy that has arisen in the planning support team. In the meantime a planning consultant has been employed to provide some cover until an appointment can be made. An action plan has also been produced in order to address customer engagement and capacity issues.

Planning Fees

- 6.10 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.
- 6.11 It is estimated that some £352,500 will be received in planning fees during the course of the current financial year 2010/11. This is a prudent estimate and during the first quarter £70,570 has been received which is £17,555 less than expected. In addition to the income received from fee generating applications, a further £4,460 has been received during the quarter from the administration of submissions relating to the approval of information required by planning conditions. This anticipated income from this source was budgeted at £2,500 for the first quarter.

| TABLE 3 | 01.07.09 to 30.09.09 | 01.10.09 to 31.12.09 | 01.01.10 to 31.03.10 | 01.04.10 to 30.06.10 |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Number of fee applications received | 270 | 227 | 294 | 276 |
| Cumulative fees received | 225,205 | 312,278 | 425,690 | 70,570 |
| Projected fee income (cumulative) | 154,000 | 370,000 | 402,000 | 88,125 |
| Outturn | 71,205 | (57,722) | 23,690 | (17,555) |

Source: Departmental Records

Appeals

- 6.12 Table 4 provides details of the number of appeals allowed expressed as a percentage of the total number of appeals determined. Eight appeals were determined in the last quarter of which five were allowed, two dismissed and one withdrawn. Of the five appeals allowed, four followed decisions by the Development Committee to refuse planning permission, contrary to the officer recommendation, and one related to the non-determination of an application that was the subject of a Public Inquiry. All of the appeal decisions made during the past quarter are reviewed in Appendix One.

| TABLE 4 | 01.07.09 to 30.09.09 | 01.10.09 to 31.12.09 | 01.01.10 to 31.03.10 | 01.04.10 to 30.06.10 |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Number of appeals allowed. | 2 | 4 | 3 | 5 |
| Total number of appeals determined. | 3 | 11 | 6 | 8 |
| Percentage of appeals allowed. | 66.6 | 36.4 | 50.0 | 62.5 |

Source: Departmental Records

7. **APPENDICES**

- 7.1 Appendix One: Appeal Decisions 1 April to 30 June 2010.

8. **BACKGROUND PAPERS REFERRED TO:**

- 8.1 None.

Contact: Nick Ward

Email: nick.ward@babergh.gov.uk

APPEAL DECISIONS: 01-April-2010 to 30-June-2010

Planning Applications

Final Decision: Allowed

Application No: B/09/01473 FHA **Appellant:** Mr & Mrs A Gartland

Application decision: Development Committee **Appeal Decision Date:** 3-Jun-10

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

Location: 1 Queens Terrace, Newton Road, Sudbury, CO10 2RN

Proposal: Erection of single-storey rear extension (existing outbuilding to be demolished).

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposals upon the living conditions of adjoining residents at 'Penrose', with particular reference to visual impact. While he noted that the proposed extension would be visible from the neighbours side window and rear bay window, he considered that the flank wall of the proposed extension would not appear significantly higher than the existing boundary fence. He also observed that the extension would have a pitched roof including a step in the ridge line to accommodate a difference in site levels. As such the Inspector did not consider the extension would appear overbearing or dominant. He therefore found the proposal to be in accordance with Local Plan policies CN01 and HS33.

A related application was submitted by the appellants to recover their costs associated with the appeal and a decision was awaited at the time of writing this case summary.

Comment

This application was considered by the Development Committee on 17 February 2010. It was refused contrary to the officer recommendation. The Town Council raised no objection to the development.

Final Decision: Allowed

Application No: B/09/01277 FHA **Appellant:** Mrs Lesley Cherry

Application decision: Development Committee **Appeal Decision Date:** 4-Jun-10

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

Location: Freshfields, 43 Cedar Close, Brantham, Manningtree, CO11 1TQ

Proposal: Erection of garage and porch; insertion of windows to side elevation (as amended by revised plans and further amended by revised plan received by the Local Planning Authority on 04/03/2010).

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 the neighbouring property with particular reference to visual impact. The Inspector found that the proposed garage which would be positioned in front of the property would have a marked impact upon the adjoining property due to its elevated position resulting in a loss of outlook. He therefore considered this aspect of the proposal to be in conflict with the provisions of Local Plan policies CN01 and HS33.

The proposed porch was considered to generally respect the character of other properties in the area and therefore acceptable within the context of Local Plan policies CN01 and HS33. Likewise he also found the proposed side windows to be acceptable.

The Inspector therefore allowed the proposed porch and side windows but dismissed the appeal insofar as it related to the construction of the garage.

Comment

This application was refused by the Development Committee at their meeting on 17 February 2010 contrary to the officer recommendation but in line with the views expressed by the Parish Council. A panel of members inspected the site on 20 January 2010.

| | | | |
|---------------------------------|---|------------------------------|---------------------------------------|
| Final Decision: | <u>Allowed</u> | | |
| Application No: | B/09/00022 FUL | Appellant: | Hills Residential 9-Jun-10 |
| Application decision: | | Appeal Decision Date: | |
| Appeal Procedure: | Public Inquiry Land North of, Crownfield Road, Glemsford | Appeal Type: | Non-determination within time |
| Location: | | | allowed |
| Proposal: | Erection of 56 No. dwellings, garages, associated infrastructure and construction of balancing pond. | | |
| The Inspector's Reasons: | Having regard to the background to this case the Inspector considered the main issue to be whether an acceptable means of surface water disposal could be secured via a planning condition. He reviewed the various options put forward by the appellant and observed that there were some potential obstacles relating to the construction of an appropriate surface water sewer. Nevertheless he considered there was a prospect of a surface water sewer being provided and considered that the use of a negative (Grampian style) condition would be appropriate in line with the advice contained within Circular 11/95 - The use of conditions in planning permissions. | | |

The Inspector also gave consideration to other issues that were raised in representations and was satisfied that the proposed foul drainage arrangements would be acceptable and that sufficient parking space would be available on site to serve the needs of the development. He was also satisfied that there would be an acceptable relationship between the existing and proposed development.

Comment

The determination of this application was held in abeyance pending the submission of surface water drainage information. Subsequent to lodging an appeal against the non determination of the case the necessary information was received from the appellants. In addition outstanding highway matters were resolved and a planning agreement was concluded dealing with affordable housing, education contributions, health care and open space requirements. These matters were considered by Development Committee on 17 March 2010.

Final Decision: Allowed

Application No: B/09/00850 FUL **Appellant:** Mr Allen

Application decision: Development Committee **Appeal Decision Date:** 25-Jun-10

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

Location: Teretia, Duke Street, Hintlesham

Proposal: Erection of 2 No. dwellings and construction of new vehicle accesses. Change of use from agricultural land to domestic garden, as amended by drawings received 10th September 2009.

The Inspector's Reasons: The Inspector considered the main issues to be the effect of the proposal upon the character and appearance of the countryside and the street scene. She observed that the proposed dwellings would be set back from the road and would be of a traditional design. As such they would be in keeping with the overall street scene and not appear cramped. The Inspector went on to comment that she did not consider the proposals would have an adverse impact upon the character of the surrounding countryside which is identified as a Special Landscape Area. Finally she noted that a legal agreement had been completed in line with the provisions of Local Plan Policy HS32.

Comment

The planning application was refused by Development Committee at their meeting on 23 September 2009 contrary to officer recommendation but in line with the views expressed by the Parish Council.

Final Decision: Allowed

Application No: B/09/00567 FUL **Appellant:** S F Properties

Application decision: Development Committee **Appeal Decision Date:** 28-Jun-10

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

Location: D'arcy Cottage, Rockalls Road, Polstead, COLCHESTER, CO6 5AR

Proposal: Change of use, alterations and extensions to existing dwelling to form 2 no. dwellings.

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposal upon the living conditions of nearby properties. While she noted the concerns in relation to additional noise and activity that would arise from the creation of a second dwelling, she was of the view that due to the comparatively small size of the proposed properties this would be no greater than at present. Likewise she was satisfied with the proposed parking arrangements and did not consider additional usage of the access would be materially different to the existing situation. Finally she noted that a legal agreement had been completed in line with the provisions of Local Plan Policy HS32.

A separate application was submitted by the appellant to recover his costs. While the Inspector noted that planning authorities are not bound to follow the advice given by their officers they must have sound grounds for taking a decision contrary to that advice. In this instance the Inspector was satisfied that the District Council had given a clear explanation for its reasons for refusal and did not consider its behaviour to be unreasonable. The application for costs was therefore dismissed.

Comment

The planning application was refused by Development Committee at their meeting on 26 August 2009 contrary to the officer recommendation but in line with the observations made by the parish council. A panel of Members inspected the site on 5 August 2009.

Final Decision: **Dismissed**
Application No: **B/09/00846 FUL** **Appellant:** **Mr M Watson**
Application decision: Delegated **Appeal Decision Date:** 2-Jun-10
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Patches House, Cavendish Lane, Glemsford, Sudbury, CO10 7PZ
Proposal: Erection of 1 no. two-storey detached dwelling.
The Inspector's Reasons: The Inspector considered there were two main issues. These were the impact of the proposals upon the character and appearance of the area, including the setting of the adjacent listed building, and secondly the effect on the supply of open space and play equipment. In relation to the first issue the Inspector found that the proposal would fail to preserve the setting of Patches House, a Grade II listed building, and undermine its spacious rural setting and the established pattern of development in this part of Glemsford. As such he found the proposal to be in conflict with Local Plan policies CN06, HS28 and CR01. In the absence of a legal agreement he found that the proposal would not contribute to the provision of open space and play equipment and would thereby be contrary to Local Plan policy HS32.

Comment

The planning application was refused on 17 September 2009 in line with the observations made by Glemsford Parish Council.

Final Decision: **Dismissed**
Application No: **B/09/00661 FUL** **Appellant:** **David Webber Partnership**
Application decision: Delegated **Appeal Decision Date:** 16-Jun-10
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Stafford House, Little St Marys, Long Melford, Sudbury, CO10 9HY
Proposal: Change of use from A2 business use to residential.
The Inspector's Reasons: The Inspector considered the main issue was whether the proposal would be contrary to Policy EM24 in the Babergh Local Plan which seeks to safeguard employment land and premises from inappropriate development. In dismissing the appeal he noted that the adjoining properties were in residential use, the premises were small and did not have a dedicated parking space. He was not, however, persuaded by the appellants arguments that the premises were unsuitable for business purposes and concluded that in the absence of a marketing campaign the proposal was unacceptable.

Comment

The application was refused on 1 October 2009.

Final Decision: Withdrawn

Application No: B/10/00095 FHA **Appellant:** Miss Tattersall

Application decision: Delegated **Appeal Decision Date:** 21-May-10

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

Location: Cooks Farm Cottage, Lawshall Road, Hartest, Bury St Edmunds, IP29 4DZ

Proposal: Erection of side and rear extensions to include balcony to side elevation (existing rear conservatory to be demolished).

The Inspector's Reasons: N/A