

BABERGH DISTRICT COUNCIL

<u>FROM:</u> Chief Planning Control Officer	<u>REPORT NUMBER:</u> K234
<u>TO:</u> DEVELOPMENT COMMITTEE	<u>DATE OF MEETING:</u> 13 April 2011

PLANNING PERFORMANCE

1. PURPOSE OF REPORT

- 1.1 This report provides an overview of the number of planning applications and appeals currently being considered by the Planning Control Section and an indication of performance against national indicators for the period 1 January to 31 March 2011.

2. RECOMMENDATION

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

3. FINANCIAL IMPLICATIONS

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

4. RISK MANAGEMENT

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

5. CONSULTATIONS

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

6. EQUALITY AND DIVERSITY IMPACT

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

7. SHARED SERVICE / PARTNERSHIP IMPLICATIONS

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

8. KEY INFORMATION

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

8.2 Government performance indicators require all local planning authorities to determine:

- 60% of major applications within a period of 13 weeks. Since 1 April 2008 the major category has been divided into large-scale and small-scale major developments but for the purposes of this report, they are combined. (A large-scale major application is defined as a development comprising 200 or more dwellings whereas a small-scale major application is defined as a development comprising 10 or more dwellings up to 199 dwellings);
- 65% of minor residential and commercial applications within a period of 8 weeks. (i.e. up to 9 dwellings or 1000 sq metres of floor space); and,
- 80% of other applications (which are mainly householder applications) within a period of 8 weeks.

8.3 Local planning authorities were also required to monitor the number of appeals allowed against the authority's decision to refuse permission and express it as a percentage of the total number of appeals against the refusal of permission. An acceptable threshold was deemed to be 30% as it provided a useful indicator as to whether more applications were being refused in order to meet development control performance targets. Babergh, however, uses a locally defined threshold of 25%.

Applications Received and Determined

8.4 Table 1 provides an overview of the number of planning applications that were on hand at the beginning of the quarter, the number that were received during the quarter, withdrawn, on hand at the end of the quarter, and actually determined. It also shows how many applications were determined in accordance with the Scheme of Delegation expressed as a percentage of all decisions.

8.5 As will be noted the number of applications received during the last quarter has remained broadly the same as the preceding quarter. The average number of cases received during the year has been around 333 per quarter.

8.6 The percentage of decisions made in accordance with the Scheme of Delegation has remained broadly the same as the preceding quarter at 87.7%. The accepted threshold is 90% which is commonly held to be a measure of good practice.

TABLE 1	01.04.10 to 30.06.10	01.07.10 to 30.09.10	01.10.10 to 31.12.10	01.01.11 to 31.03.11
Number of applications on hand at beginning of quarter ¹	310	314	263	267
Number of applications received during quarter	360	333	311	326
Number of applications withdrawn	29	38	37	35
Number of applications on hand at end of quarter.	315	267	268	281
Number of applications determined during quarter	327	342	269	277
Percentage of delegated decisions	87.8	92.7	87.7	87.7

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.

Source: General Development Control PS1 Return

Performance Against Target

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

TABLE 2A	01.04.10 to 30.06.10	01.07.10 to 30.09.10	01.10.10 to 31.12.10	01.01.11 to 31.03.11
Total number of MAJOR applications determined	4	7	9	7
Total number of MINOR applications determined	69	77	73	62
Total number of OTHER applications determined	254	258	187	208
Total number of applications determined during quarter	327	342	269	277

Source: General Development Control PS2 Return

TABLE 2B	01.04.10 to 30.06.10	01.07.10 to 30.09.10	01.10.10 to 31.12.10	01.01.11 to 31.03.11
Percentage of MAJOR applications determined on time	25	71.4	55.6	85.7
Percentage of MINOR applications determined on time	57.9	59.7	57.5	69.4
Percentage of OTHER applications determined on time	66.9	77.9	81.3	80.8

Source: General Development Control PS2 Return

TABLE 2C	Previous Year 2009/10	End of Year 2010/11	National Target	Babergh Stretched Target	Direction of Travel
Percentage of MAJOR applications determined on time	64.47	62.96	60	80	☺
Percentage of MINOR applications determined on time	67.42	60.85	65	75	☹
Percentage of OTHER applications determined on time	81.83	76.24	80	90	☹

Source: General Development Control PS2 Return/Departmental Records

8.8 As will be noted performance within all application categories is above the national targets for the final quarter of 2010/11. During the last quarter seven applications within the combined 'major' category were determined of which six were in time. Of the 62 cases determined within the 'minor' category, 43 were in time, and of the 208 'other' cases 168 were in time. Overall 247 cases out of 277 were approved which equates to 89.2%.

8.9 As will be noted overall performance against the national targets is below the desired level for the year end. This is attributable to staff vacancies in the first quarter of 2010/11 which were subsequently filled in September 2010. The combination of appropriate resources, and the active management of cases, has however secured improvements to performance over the final half of 2010/11. In line with current good practice pre-application discussions are being encouraged wherever possible to improve the quality of submissions and the speed of determination.

Planning Fees

8.10 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.

8.11 It was estimated that some £352,500 would be received in planning fees during 2010/11 but in the light of the income received during the first two quarters this estimate was revised to £342,500. Table 3 therefore reflects the outturn based upon the revised fee estimate. The figures given for the first two quarters of the current financial year therefore differ from those contained in Paper K127 that was presented to Members on 27 October 2010. In addition to the income received from fee generating applications, a further £20,513 has been received during the year from the administration of submissions relating to the approval of information required by planning conditions against a revised budget of £15,000 for the financial year.

TABLE 3	01.04.10 to 30.06.10	01.07.10 to 30.09.10	01.10.10 to 31.12.10	01.01.11 to 31.03.11
Number of fee applications received	276	238	229	288
Cumulative fees received	70,570	145,381	246,233	354,572
Projected fee income (cumulative)	85,625	171,250	256,875	342,500
Outturn	(15,055)	(25,869)	(10,642)	12,072

Source: Departmental Records

Appeals

8.12 Table 4 provides details of the number of appeals allowed expressed as a percentage of the total number of appeals determined. Twelve appeals were determined in the last quarter of which two were allowed, one was allowed in part, and nine were dismissed. All of the appeal decisions made during the past quarter are reviewed in Appendix One. The review also contains details as to whether the applications were originally determined by the Development Committee or under the Scheme of Delegation.

TABLE 4	01.04.10 to 30.06.10	01.07.10 to 30.09.10	01.10.10 to 31.12.10	01.01.11 to 31.03.11
Number of appeals allowed.	5	2	2	3
Total number of appeals determined.	8	4	13	12
Percentage of appeals allowed.	62.5	40	15.4	25

Source: Departmental Records

9. APPENDICES

Title	Location
Appeal Decisions 1 October to 31 December 2010.	Attached

10. BACKGROUND DOCUMENTS

10.1 None

N J Ward
Chief Planning Control Officer

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

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APPEAL DECISIONS: 01-January-to 31-March-2011

Planning Applications

Final Decision: Allowed

Application No: B/10/00059 FUL **Appellant:** Mr & Mrs Galvin

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

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

Location: Part side garden of 3 High Street, Acton, Sudbury, CO10 0AN

Proposal: Erection of two-storey dwelling & construction of new vehicular dwelling.

The Inspector's Reasons: The Inspector considered the main issues to be the effect of the proposed development upon the character and appearance of the surrounding area and the living conditions of the occupiers of 2a and 3 High Street having particular regard to outlook, privacy and daylight. In relation to the first issue the Inspector did not consider the proposal would harm the character and appearance of the street scene and would accord with Local Plan Policies HS28 and CN01. As far as the second issue was concerned the Inspector considered that the proposal would not have an unacceptable impact upon the privacy, daylight or outlook for the occupiers of the adjoining properties. The Inspector accordingly allowed the appeal subject to conditions including one which required compliance with Level 3 of the Code for Sustainable Homes.

Comment

The application was refused on 7 June 2010 in line with the views expressed by Acton Parish Council.

Final Decision: Allowed

Application No: B/10/00406 FUL **Appellant:** Mr T Pitt

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

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

Location: Lavenham Priory, Water Street, Lavenham, SUDBURY, CO10 9RW

Proposal: Erection of Eco-dwelling to form owners/managers accommodation and Change of Use of dairy wing from residential accommodation to bed and breakfast accommodation.

The Inspector's Reasons: The Inspector identified three main issues. These were whether the development could be justified in the face of national and local planning policies applying to areas that are not identified for development, the effect it would have upon the character and appearance of the Lavenham Conservation Area, and whether it would preserve the setting of the Priory and Listed Buildings in Water Street. In relation to the first issue the Inspector found that the personal, economic and tourist related arguments advanced by the appellant were not sufficient or weighty enough to warrant a departure from the fundamental principles controlling new development in the countryside, as emphasised in PPS7. In relation to the second and third issues the Inspector observed that the proposed dwelling would be positioned to avoid impinging upon the setting of the Priory and the setting of Listed Buildings in Water Street. The Inspector found however that the proposal would not comply with the provisions of Policy ENV6 of the East of England Plan and Policy CN08 of Babergh Local Plan in so much as it would intrude into the undeveloped and open land marking the edge of the Conservation Area.

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The appeal proposal also provided for minor alterations to the appellants existing residential accommodation in the Priory Dairy Wing to form additional accommodation. In relation to this aspect of the proposal the Inspector found no harm and issued a split decision to allow this aspect of the development to proceed.

Comment

The planning application was refused on 8 June 2010 in line with objections raised by Lavenham Parish Council.

Final Decision: **Allowed**
Application No: **B/10/01159 FHA** **Appellant:** **Mrs Lesley Cherry**
Application decision: Development Committee **Appeal Decision Date:** 8-Mar-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: 43 Cedar Close, Brantham, MANNINGTREE, CO11 1TQ
Proposal: Erection of detached garage, as amplified by drawing no. 4700-02A received on 3rd November 2010.
The Inspector's The Inspector considered the main issue to be the effect of the proposal upon the **Reasons:** living conditions of the occupiers of 45 Cedar Close with particular reference to visual impact. The Inspector observed the differences in ground levels and the height of boundary walls and fences but considered very little of the proposal would be visible from the garden or ground floor windows to 45 Cedar Close. The Inspector therefore considered that the proposal would not be overbearing or un-neighbourly to the occupiers of this property. Furthermore the Inspector did not consider the proposal would have an adverse impact upon the living conditions enjoyed by the occupants of 45 Cedar Close.

Comment

The application was refused by Development Committee on 22 December 2010. No comments were received from the Parish Council.

Final Decision: **Dismissed**
Application No: **B/09/01337 FUL** **Appellant:** **Mr M Frankland**
Application decision: Development Committee **Appeal Decision Date:** 20-Jan-11
Appeal Procedure: Written Representations **Appeal Type:** Non-determination
Location: Foresters Arms, Main Road, Chelmondiston, IPSWICH, IP9 1DY
Proposal: Change of use, extension and alterations to form 3 no. units (one, two and three bedrooms).
The Inspector's This appeal was made against the non-determination of an application by the **Reasons:** District Council. The Inspector considered the main issue to be whether or not the proposed development would provide acceptable living conditions for the future occupants of the development having regard to fumes, odours, noise and disturbance from the public house, and open space provision. In relation to the amenity issues the Inspector was of the view that the extraction details could be secured by the imposition of a planning condition. Likewise she considered sound proofing of the first floor flats, restrictions on the use of amplified music in the public house, and the provision of a smoking shelter could also be addressed by the imposition of a condition. The Inspector noted however that no provision had been made to secure the provision of public open space to serve the occupants of the flats as required by Policy HS32. Accordingly the appeal was dismissed because of the absence of a Planning Obligation to this effect.

Comment

Chelmondiston Parish Council objected to the proposed development.

Final Decision: **Dismissed**

Application No: **B/09/01236 FUL** **Appellant:** **K & R Rush Farms**

Application decision: Development Committee **Appeal Decision Date:** 26-Jan-11

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

Location: Brights Farm, Brights Lane, Lavenham, Sudbury, CO10 9PH

Proposal: Erection of 18.3m high wind turbine.

The Inspector's Reasons: The Inspector considered the main issue to be whether or not the proposed development would preserve the setting of Bright's Farmhouse, a Grade II Listed Building, and if not, whether the benefits of providing renewable energy outweighed the desirability of preserving that setting. In the opinion of the Inspector the proposed wind turbine was considered to lie within the curtilage to Bright's Farmhouse. In coming to this view the Inspector had regard to the Practice Guide to PPS5. She considered that the proposed wind turbine would visually compete with the Listed Building and significantly diminish its setting within the landscape. The Inspector also observed that from one particularly view point the turbine would visually compete with Lavenham church tower. The proposed development was therefore found to be in conflict with policies ENV6 and ENV7 of the East of England Plan and policies EN10, CN01 and CN06 of the Babergh Local Plan.

The Inspector acknowledged that PPS22 and the provision of renewable energy carries significant weight but pointed out the importance of nationally recognised designations, such as Listed Buildings, and the need to ensure that they are not compromised by development. Having regard to the provisions of PPS5, and in particular Policy HE10, the Inspector attached more weight to the setting of the Listed Building.

Comment

The application was refused by Development Committee on 14 April 2010 in line with the views expressed by Lavenham Parish Council.

Final Decision: **Dismissed**

Application No: **B/09/01268 FUL** **Appellant:** **World at War Paintball**

Application decision: Development Committee **Appeal Decision Date:** 1-Feb-11

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

Location: Unit 52, Notley Enterprise Park, Raydon Road, Great Wenham IPSWICH

Proposal: Change of use of land and buildings to form paintball activity centre (retention of).

The Inspector's Reasons: This was a conjoined appeal against the refusal of planning permission and the service of an Enforcement Notice against the unauthorized use of the land. The Inspector considered there were two main issues to assess. The first was whether the use of the land and buildings was an appropriate form of development in the countryside. The second issue was whether the proposal would have impact upon the living conditions of residents within the vicinity with particular regard to noise and disturbance.

In relation to the first issue the Inspector found that the paint ball activities., and in particular the provision of extensive safety netting, conflicted with the objectives of Local Plan Policies CR01 and RE06 which seek to safeguard the character of the countryside from inappropriate forms of development. In relation to the second issue the Inspector noted that it might be possible to attenuate paint ball activities taking place within the huts on site this would not be possible in the case of

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outdoor activities. In view of the level and nature of the noise generated from the use, which could be intimidating for users of the public footpath, he considered that the proposal would cause harm. The appeal was dismissed and the enforcement notice upheld.

Comment

The application was refused by Development Committee on 17 March 2010 in line with the views expressed by Great Wenham Parish Council.

Final Decision: Dismissed
Application No: B/10/00061 FUL **Appellant:** Mr Simon Holland
Application decision: Development Committee **Appeal Decision Date:** 3-Feb-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 issues to be the effect of the proposed development on the character and appearance of the surrounding area, the living conditions of the future occupiers of the proposed development, and whether adequate parking would be available. In relation to the first issue the Inspector did not consider that the development would reflect the character and appearance of nearby properties. She considered the development would be discordant and conflict with the provisions of Local Plan policies HS01, HS27, HS28 and CN01. In relation to the second issue the Inspector was satisfied that the future occupants of the development would enjoy reasonable living conditions. In relation to the final issue the proposed development was considered to incorporate sufficient parking space although the Inspector expressed doubt over the use of reinforced grass areas as a means of providing occasional parking space.

Comment

The application was refused by Development Committee on 12 May 2010 in line with the views expressed by Hadleigh Town Council.

Final Decision: Dismissed
Application No: B/10/00835 FHA **Appellant:** Mr & Mrs Steele
Application decision: Delegated **Appeal Decision Date:** 8-Feb-11
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: 38 Gipping Way, Sproughton, Ipswich, IP8 3BE
Proposal: Erection of single-storey rear and side extension.
The Inspector's Reasons: The Inspector considered the main issues to be the effect of the proposals would have upon the living conditions of the occupants of 39 Gipping Way and whether appropriate measures were in place to manage the risk of flooding. In relation to the first issue the Inspector considered the proposed building because of its length and height would appear overbearing when viewed from No. 39 to the detriment of the living conditions of the occupants. In relation to the second issue the Inspector was not satisfied that appropriate measures would be provided to manage the risk of flooding.

Comment

The application was refused on 29 September 2009 contrary to the views expressed by Sproughton Parish Council.

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Final Decision: **Dismissed**

Application No: **B/10/00900 FUL** **Appellant:** **Mr & Mrs Webb**

Application decision: Delegated **Appeal Decision Date:**18-Feb-11

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

Location: 51 Schoolfield, Glemsford, Sudbury, CO10 7RE

Proposal: Erection of single storey dwelling and construction of a new vehicular access.

The Inspector's Reasons: The Inspector considered the main issue to be the effect the proposed development would have on the character and appearance of the surrounding area. In his opinion the proposed development would appear at odds with the existing pattern of development in the area and would not relate in either scale or form to the existing properties. As such the development was found to be in conflict with Local Plan Policies CN01 and HS28. The Inspector also found that the proposal would result in the loss of a substantial section of hedgerow to the frontage of the site which would further erode the character of the area contrary to the provisions of Local Plan Policy HS02.

Comment

The application was refused on 20 September 2010 in line with the views expressed by Glemsford Parish Council.

Final Decision: **Dismissed**

Application No: **B/10/01442 FHA** **Appellant:** **Mr Timothy Bell**

Application decision: Delegated **Appeal Decision Date:**9-Mar-11

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

Location: Maltings Farm Cottage, Cockfield Road, Thorpe Morieux, Bury St Edmunds,

Proposal: Erection of a two-storey detached cart lodge.

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposal upon the character and appearance of the appeal site and the surrounding countryside. Due to the height, scale, bulk and mass of the proposed extension the Inspector was of the view that the appeal proposal would appear overly dominant and almost as large as the existing dwelling when viewed from Cockfield Road. In addition the excessive fenestration proposed was considered to be incompatible with the surrounding open rural landscape.

Comment

The application was refused on 5 January 2011 contrary to the views expressed by Thorpe Morieux Parish Council.

Final Decision: **Dismissed**

Application No: **B/10/00502 CPU** **Appellant:** **Miss L Roberts**

Application decision: Delegated **Appeal Decision Date:**10-Mar-11

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

Location: Agricultural storage building west of Adams Well, Colchester Road, Assington

Proposal: Application for a Certificate of Lawfulness for a Proposed Use or Development – Use of farm building as farm shop.

The Inspector's Reasons: This appeal related to an application for a Certificate of Lawful Use to use an existing farm building as a shop. The appellants' intention was to sell produce from the existing agricultural holding with approximately 20% being imported from other farms. The Inspector found that as a matter of fact and degree the amount of produce to be imported from elsewhere accounted for a considerable proportion of

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the whole and as such did not consider it to be incidental to the agricultural use. The Inspector therefore considered the shop would go beyond what might be regarded as 'farm gate sales' and was of the view that a material change of use would occur. Accordingly he found the District Council's decision well founded.

Comment

The application was refused on 8 July 2010.

Final Decision: **Dismissed**

Application No: **B/10/00373 ROC** **Appellant:** **Mr P & Mrs L Curtis**

Application decision: Delegated **Appeal Decision Date:** 11-Mar-11

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

Location: Oak Meadows, Woodlands Road, Raydon, IPSWICH, IP7 5QA

Proposal: Removal of Condition 02 (restriction of number of horses) under Planning Permission B/09/01497/FUL (Maximum number of horses = 5).

The Inspector's Reasons: This appeal related to the removal of a condition attached to a previous planning permission. The Inspector therefore assessed the impact of removing the condition upon the character of the surrounding countryside and the living conditions of the occupants of the adjoining property. In the opinion of the Inspector the condition was correctly worded and met the relevant tests. She considered that to allow an unlimited number of horses on the site, even if stabled, would increase the potential amount of noise and disturbance on the site, contrary to the provisions of Local Plan Policy RE06. In dismissing the appeal the Inspector commented that she considered that any overgrazing issues would be more a matter of animal husbandry and would not impact upon the character of the countryside.

Comment

The planning application was refused on 21 May 2010 in line with the views of Raydon Parish Council.