

BABERGH DISTRICT COUNCIL

FROM: Chief Planning Control Officer

REPORT NUMBER: **K127**

TO: Development Committee

DATE OF MEETING: 27 October 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 national indicators for the period 1 July to 30 September, 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 there has been a very modest decline in the number of applications received during the last quarter however the average number of cases received per quarter during the last four quarters is around 340.
- 6.6 The percentage of decisions made in accordance with the scheme of delegation has improved during the last quarter to nearly 93%. The generally accepted threshold is 90% which is commonly held to be a measure of good practice.

TABLE 1	01.10.09 to 31.12.09	01.01.10 to 31.03.10	01.04.10 to 30.06.10	01.07.10 to 30.09.10
Number of applications on hand at beginning of quarter ¹	243	308	310	314
Number of applications received during quarter	322	337	360	333
Number of applications withdrawn	13	26	29	38
Number of applications on hand at end of quarter.	317	323	315	267
Number of applications determined during quarter	235	296	327	342
Percentage of delegated decisions	85.5	88.9	87.8	92.7

Source: General Development Control PS1 Return

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

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.

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

TABLE 2A	01.10.09 to 31.12.09	01.01.10 to 31.03.10	01.04.10 to 30.06.10	01.07.10 to 30.09.10
Total number of MAJOR applications determined	1	8	4	7
Total number of MINOR applications determined	61	64	69	77
Total number of OTHER applications determined	173	224	254	258
Total number of applications determined during quarter	235	296	327	342

Source: General Development Control PS2 Return

TABLE 2B	01.10.09 to 31.12.09	01.01.10 to 31.03.10	01.04.10 to 30.06.10	01.07.10 to 30.09.10
Percentage of MAJOR applications determined on time	0	62.5	25	71.4
Percentage of MINOR applications determined on time	55.7	65.6	57.9	59.7
Percentage of OTHER applications determined on time	73.9	72.8	66.9	77.9

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	54.55	60	80	☹
Percentage of MINOR applications determined on time	67.42	58.90	65	75	☹
Percentage of OTHER applications determined on time	81.83	72.46	80	90	☹

Source: General Development Control PS2 Return/Departmental Records

- 6.8 As will be noted performance within all application categories is below the national targets as reported in the previous paper to Development Committee on 4 August 2010. During the last quarter seven applications within the 'major' category were determined of which five were in time. Of the 77 cases determined within the 'minor' category, 46 were in time, and of the 258 'other' cases 201 were in time. Overall 308 cases out of 342 were approved which equates to 90%.

6.9 Although performance is still below the desired levels, since the presentation of Paper K72 to Development Committee on 4 August 2010 a vacant planning officer post has been filled as has a vacancy within the planning support team. As a consequence performance levels have shown some modest improvement in comparison with the previous quarter and the overall direction of travel is now positive. In the meantime work continues on the progression of an action plan has also been produced in order to address customer engagement 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 was estimated that some £352,500 would be received in planning fees during the course of the current financial year 2010/11. This was a prudent estimate but during the first quarter only £70,570 was received. During the last quarter £74,811 has been received making a year to date total of £145,381 which is less than the anticipated position as illustrated in Table 3 below. In the light of this outturn the budget for the remainder of the financial year has been revised to £284,000. In addition to the income received from fee generating applications, a further £5,248 has been received during the quarter from the administration of submissions relating to the approval of information required by planning conditions making a year to date total of £9,708 against a budget of £10,000. The budget for this area of activity has accordingly been revised upwards to £15,000 for the financial year.

TABLE 3	01.10.09 to 31.12.09	01.01.10 to 31.03.10	01.04.10 to 30.06.10	01.07.10 to 30.09.10
Number of fee applications received	227	294	276	238
Cumulative fees received	312,278	425,690	70,570	145,381
Projected fee income (cumulative)	370,000	402,000	88,125	176,250
Outturn	(57,722)	23,690	(17,555)	(30,869)

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. Five appeals were determined in the last quarter of which two were allowed and three dismissed. Of the five appeals allowed only one followed a decision made by the Development Committee to refuse listed building consent which was in line with the officer recommendation. All of the appeal decisions made during the past quarter are reviewed in Appendix One.

TABLE 4	01.10.09 to 31.12.09	01.01.10 to 31.03.10	01.04.10 to 30.06.10	01.07.10 to 30.09.10
Number of appeals allowed.	4	3	5	2
Total number of appeals determined.	11	6	8	4
Percentage of appeals allowed.	36.4	50.0	62.5	40

Source: Departmental Records

7. **APPENDICES**

7.1 Appendix One: Appeal Decisions 1 July to 30 September 2010.

7. **BACKGROUND PAPERS REFERRED TO:**

7.1 None.

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APPEAL DECISIONS: 01-July-2010 AND 30-September-2010

Planning Applications

Final Decision: Allowed
Application No: B/09/01530 FUL **Appellant:** Mr J Wright
Application decision: Delegated **Appeal Decision Date:** 12-Aug-10
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Ashworth, Barn Street, Lavenham, SUDBURY, CO10 9RB
Proposal: Erection of single-storey rear extension and 3 no. dormer windows.

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposed alterations on the character and appearance of the Lavenham Conservation Area, with particular reference to the setting of The Barn, a Grade II* Listed Building adjacent the appeal site. He considered that the proposed extension would have no impact on the character or appearance of the Conservation Area nor would it have a material impact on the setting of The Barn because it would be at the end of the building and furthest away from it. The Inspector therefore concluded that the proposal would comply with Local Plan Policies CN01, CN06, CN08 and HS33.

The appellant has submitted an application for costs on the grounds that the District Council prevented development that should otherwise have been allowed. The Planning Inspectorate have yet to determine this application.

Comment

The planning application was refused on 1 March 2010. The Parish Council raised no objections to the proposed development.

Final Decision: Allowed
Application No: B/09/01005 FUL **Appellant:** Mr Richard Gomersall
Application decision: Delegated **Appeal Decision Date:** 9-Sep-10
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: 129 High Street, Bildeston, Ipswich, IP7 7EL
Proposal: Change of use of premises to residential dwelling.

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposed change of use on the economic and social well being of the village. He noted that the premises were last used as a shop in 1998 and had remained vacant for several years before being used as an office which operated until July 2009 without the benefit of planning permission. He therefore agreed with the District Council's Solicitor that the building had a 'nil' use. That being the case he considered that the provisions of Local Plan Policy EM24 which relates to the retention of existing and vacant employment premises did not apply. Likewise he considered that Local Plan Policy CR20 which relates to the retention of village facilities was not relevant. While he acknowledged the District Council's desire to retain employment opportunities and protect village facilities, he pointed out that he had to determine the proposal objectively based upon the

facts available. He went on to comment that even if the building did have a commercial use it was questionable whether the loss would be harmful to the

economy of the village and the identification of Bildeston as a 'sustainable village' by Local Plan Policy HS03.

The appellant submitted a separate application for the award of costs on the grounds that he had to incur unnecessary expense and delay in pursuing the case through the appeal process. The Inspector allowed the application on the grounds that the District Council had been unreasonable.

Comment

The planning application was refused on 16 December 2009 in line with the views of the parish Council who expressed concern that the proposed change of use would deprive the village of a business opportunity and potential employment opportunities.

Final Decision: **Dismissed**
Application No: **B/10/00165** **FHA** **Appellant:** **Mr D Hoy**
Application decision: Delegated **Appeal Decision Date:** 20-Jul-10
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: 5 Chapel Close, Great Waldingfield, SUDBURY, CO10 0UB
Proposal: Construction of dormer window in side (north-west) roof slope.
The Inspector's Reasons: The Inspector considered that there were two main issues: firstly whether the development would seriously harm the character and appearance of the surroundings and secondly whether it would erode the living conditions at No. 4 Chapel Close. In relation to the first issue the Inspector considered that the extension would be unduly prominent in the street scene and would harm the character and appearance of the surroundings. In relation to the second issue he considered the dormer window would introduce an unacceptable amount of overlooking to No. 4 Chapel Close. The Inspector therefore concluded that the development would be contrary to Local Plan P Policies CN01 and HS33.

Comment

The planning application was refused on 27 April 2010. No observations were received from the Parish Council.

Final Decision: **Dismissed**
Application No: **B/10/00217** **FHA** **Appellant:** **Mr Gavin Deacon**
Application decision: Delegated **Appeal Decision Date:** 11-Aug-10
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Magnolia Cottage, 5 Cock And Bell Lane, Long Melford, Sudbury, CO10 9JN
Proposal: Erection of first-floor rear extension.
The Inspector's Reasons: The Inspector considered the main issue to be the effect that the proposed extension would have upon the living conditions of the adjacent house in terms of outlook, sunlight and daylight. While he considered that the extension would have an acceptable appearance, he was of the view that it would have a severe

impact upon the living conditions in 4 Cock and Bell Lane. In this respect the Inspector was of the view that the extension would be overbearing and oppressive impact and effect the amount of natural light reaching the property.

Accordingly he found the development to be in conflict with Local Plan Policy HS33.

Comment

The planning application was refused on 29 April 2010. The Parish Council raised no objections to the proposed development.

Final Decision: **Dismissed**

Application No: **B/09/00355 LBC** **Appellant:** **Mr JD Keld**

Application decision: Development Committee **Appeal Decision Date:** 9-Sep-10

Appeal Procedure: Written Representations **Appeal Type:** Refusal of Listed B/Con Area
9 Church Walk, Long Melford, Sudbury, CO10 9DL

Location: consent

Proposal: Application for Listed Building Consent - Retention of alterations to portico on front elevation.

The Inspector's Reasons: No.9 Church Walk is a Grade II Listed Building and the Inspector considered that the main issue to be the effect of the alterations (already undertaken) upon the special architectural and historic interest of the building. The Inspector found that the portico was a very prominent and important feature of the building. He found that the replacement columns and pilasters differed from the originals in terms of their diameter and proportions, and were less in keeping with the design of the portico. He also found that the materials from which the building was constructed were an integral part of its character and that the replacements, being of plastic, detracted from the integrity of the building and devalued its architectural and historic interest. He was not persuaded by the appellant's arguments relating to climatic conditions, precedent, and that the building was of limited interest. The Inspector concluded that the replacement columns, pilasters, and their bases detracted from the appearance of the portico and from the architectural and historic interest of the building as a whole.

Comment

The application was refused by the Development Committee on 23 September 2009 in line with the officer recommendation, contrary to the views expressed by the Parish Council. A panel of Members had inspected the building on 2 September 2009. The application was submitted against officer advice following an investigation by officers into unauthorized works to the listed building. The Inspector's decision reflects the Government's overarching aim that the historic environment and its heritage assets should be conserved. Significance can be harmed through inappropriate alteration which is a loss of value to this and future generations. A Listed Building Enforcement Notice will now be issued requiring that the portico is restored to its former state as authorised by the Development Committee.