

BABERGH DISTRICT COUNCIL

FROM: Chief Planning Control Officer

REPORT NUMBER: J15

TO: Development Committee

DATE OF MEETING: 6 May 2009

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.

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. KEY INFORMATION

5.1 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.

5.2 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.

- 5.3 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

- 5.4 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applications that were on hand at the beginning of the quarter, the number that were received during the quarter, withdrawn, on hand at the end of the quarter, and actually determined.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.
- 5.5 Members may wish to note that in total 1,350 applications were received in the period 1 April 2008 to 31 March 2009 in comparison with 1,716 for the period 1 April 2007 to 31 March 2008. This represents a decline of some 366 applications and equates to approximately 21%.
- 5.6 The percentage of decisions made in accordance with the scheme of delegation has fluctuated slightly in each quarter but the outcome for the year has been 90.5%. This is slightly above the threshold of 90% which is commonly held to be a measure of good practice.

| TABLE 1 | 01.04.08 to 30.06.08 | 01.07.08 to 30.09.08 | 01.10.08 to 31.12.08 | 01.01.09 to 31.03.09 |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Number of applications on hand at beginning of quarter. | 374 | 283 | 279 | 243 |
| Number of applications received during quarter | 353 | 361 | 299 | 337 |
| Number of applications withdrawn | 38 | 24 | 12 | 25 |
| Number of applications on hand at end of quarter. | 283 | 279 | 243 | 248 |
| Number of applications determined during quarter | 406 | 341 | 323 | 307 |
| Percentage of delegated decisions | 88.9 | 87.4 | 88.2 | 90.8 |

Source: General Development Control PS1 Return

Performance Against Target

- 5.7 Table 2a shows the number of planning applications that were determined during the year 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 | 01.04.08 to 30.06.08 | 01.07.08 to 30.09.08 | 01.10.08 to 31.12.08 | 01.01.09 to 31.03.09 |
|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Total number of MAJOR applications determined | 26 | 13 | 11 | 7 |
| Total number of MINOR applications determined | 79 | 84 | 78 | 86 |
| Total number of OTHER applications determined | 301 | 244 | 234 | 214 |
| Total number of applications determined during quarter | 406 | 341 | 323 | 307 |

Source: General Development Control PS2 Return

| TABLE 2B | 01.04.08 to 30.06.08 | 01.07.08 to 30.09.08 | 01.10.08 to 31.12.08 | 01.01.09 to 31.03.09 |
|--|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Percentage of MAJOR applications determined on time | 80.8 | 69.2 | 63.6 | 85.7 |
| Percentage of MINOR applications determined on time | 60.8 | 60.7 | 64.1 | 84.9 |
| Percentage of OTHER applications determined on time | 82.1 | 79.1 | 79.1 | 90.2 |

Source: General Development Control PS2 Return

| TABLE 2C | Previous Year 2007/08 | End of Year 2008/09 | National Target | Babergh Stretched Target | Direction of Travel |
|--|--------------------------------------|------------------------------------|----------------------------|---|--------------------------------|
| Percentage of MAJOR applications determined on time | 71 | 75.4 | 60 | 67 | ↗ |
| Percentage of MINOR applications determined on time | 57 | 67.9 | 65 | 72 | ↗ |
| Percentage of OTHER applications determined on time | 76 | 82.4 | 80 | 87 | ↗ |

Source: General Development Control PS2 Return/Departmental Records

- 5.8 Performance during the last quarter against the national target for the determination of major applications significantly exceeds 60% but as will be noted in Table 2a below the number of cases determined each quarter has been in decline. Performance for the year to date as shown in Table 2c does, however, exceed both the national and locally defined targets and continues to exhibit a positive direction of travel.

- 5.9 The determination of applications within the minor category has continued to improve and performance during the final quarter is of particular note. Overall performance within this category for the year, as shown in Table 2c, now exceeds the national target. Indeed a 10.9% improvement has been achieved on the position reached at the end of last year.
- 5.10 Performance against the target for the determination of other applications has also improved markedly during the past quarter and as will be noted in Table 2c the national performance target has been achieved for the year to date. The overall improvement has been 6.4% on the position reached in the previous year.
- 5.11 In the coming year emphasis will be placed upon reaching the locally defined stretched targets. The elimination of the registration backlogs that hampered performance in Quarters 1 and 2 permitted the full implementation of the measures detailed below in Quarter 3. These measures have been instrumental in the achievement of significant performance improvements in Quarter 4 and serve to demonstrate what can be achieved. The effectiveness of these measures will continue to be monitored and refined as necessary and include:
- The rigorous assessment of applications at the registration stage to ensure that all of the required information is available to assess the submission from the outset thus avoiding potential delays at a later date;
 - Ensuring that all applications which are capable of being registered are on a planning officers' desk within three working days of receipt to maximise the amount of time available to determine them;
 - The weekly review of applications by planning officers to ensure that any issues are identified at the earliest opportunity and applicants and agents are informed accordingly with a requested to submit additional information within an agreed timeframe, and,
 - The encouragement of pre-application discussions to avoid the submission of inadequate and incomplete applications.
- 5.12 Changes to computer software system arising from the LAMP project have been implemented recently and the impact upon the planning support team will become clearer in the coming months.

Planning Fees

- 5.13 Table 3 provides details of the cumulative income received from fee generating applications over the last four quarters against the projected position for the quarter. As Members may recall the projected income from planning fees for 2008/09 was expected to be £454,000. In the light of international events that unfolded in Quarters 2 and 3 the fee income estimates were revised for Quarter 3 and 4 as shown in Table 3. The final outturn has, however, been better than expected following the receipt of some larger fee generating applications in Quarter 4.
- 5.14 In view of the current economic climate projected fee income for 2009/10 has been set at £307,500 and will be closely monitored. Members may, however, wish to note that a modest income is also anticipated from the administration of submissions that are made by applicants to discharge planning conditions.

| TABLE 3 | 01.04.08 to 30.06.08 | 01.07.08 to 30.09.08 | 01.10.08 to 31.12.08 | 01.01.09 to 31.03.09 |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Number of fee applications received | 385 | 314 | 235 | 242 |
| Cumulative fees received | 112,832 | 171,122 | 240,045 | 357,172 |
| Projected fee income (cumulative) | 113,500 | 227,000 | 300,000 | 330,000 |
| Outturn | (668) | (55,878) | (59,955) | 27,172 |

Source: Departmental Records

Appeals

- 5.15 Table 4 provides details of the number of appeals allowed expressed as a percentage of the total number of appeals determined. Of the 18 appeals determined in the last quarter, two were allowed which equates to 11.1%. This compares markedly with the results for Quarter 3 and serves to demonstrate the wide variation that can occur because of the comparatively few cases involved.
- 5.16 Appendix One attached to this report provides a review of the appeal decisions made during March 2009 and supplements the information contained in Report Number H204 that was considered by Development Committee on 11 March 2009.
- 5.17 For the period 1 April 2008 to 31 March 2009 18 appeals were allowed out of a total of 56. This equates to 32% which is slightly above the generally accepted threshold of 30% but more than the locally defined threshold of 25%.

| TABLE 4 | 01.04.08 to 30.06.08 | 01.07.08 to 30.09.08 | 01.10.08 to 31.12.08 | 01.01.09 to 31.03.09 |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Number of appeals allowed. | 6 | 1 | 9 | 2 |
| Total number of appeals determined. | 12 | 9 | 17 | 18 |
| Percentage of appeals allowed. | 50.0 | 11.1 | 52.9 | 11.1 |

Source: Departmental Records

6. **APPENDICES**

- 6.1 Appendix One: Appeal Decisions 1 March to 31 March 2009.

7. **BACKGROUND PAPERS REFERRED TO:**

- 7.1 None.

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APPEALS DECIDED BETWEEN 01 March 2009 and 31 March 2009

Planning Applications

Final Decision: Dismissed
Application No: B/08/00747 FUL **Appellant:** Ellisdale Builders
Application decision: Development Committee **Appeal Decision Date:** 11-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Land north of Centuries, The Street, Assington

Proposal: Erection of 2 no. semi-detached two-storey dwellings with associated garaging. Construction of new vehicular access.

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposal upon the character and appearance of the area. She observed that the site, whilst adjoining the village boundary, lies within the countryside where existing land-uses should remain undisturbed. As such the development conflicted with the provisions of Local Plan Policy HS04 and Policy CR01 which aim to protect the landscape quality and character of the countryside. As indicated in PPS7 Sustainable Development in Rural Areas new development in the countryside should be strictly controlled. In her view the built-up area of the village had been drawn to prevent the gradual erosion of the two distinct parts of the village and the development would encroach into the gap which contributes to the character of Assington contrary to Local Plan Policy CR04. Furthermore the construction of a pair of semi-detached dwellings on the site would not be in keeping with the pattern of development in the village. She was not persuaded that the appellants unilateral undertaking to prevent further development to the rear of the site would outweigh the harm that would arise if the proposal were permitted.

Comment

The application was refused by Development Committee on 23 July 2008 in line with the officer recommendation but contrary to the wishes of the Parish Council.

Final Decision: Dismissed
Application No: B/08/00741 FUL **Appellant:** Mrs LM Anselmi
Application decision: Development Committee **Appeal Decision Date:** 11-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Land West of, 4 Windermere Road, Sudbury

Proposal: Erection of 1 No. single-storey detached dwelling (existing garage to be demolished).

The Inspector's Reasons: The Inspector considered there to be two main issues in this case. Firstly the impact of the proposal upon the character and appearance of the area, and secondly whether the resultant development would provide satisfactory living conditions for future occupants and people living nearby. In relation to the first issue the Inspector observed that the proposed bungalow would appear as a large and incongruous feature that would not respect the pattern of development nearby. As such it would conflict with Policy ENV7 in the East of England Plan and Local Plan Policies CN01 and HS30. In relation to the second issue she did not consider the future occupants would enjoy

satisfactory living conditions as required by Local Plan Policy HS01. The Inspector did not, however, consider the additional traffic generated by the proposal would be harmful or that the resultant increase in development density would conflict with the provisions of Local Plan Policy HS27 but these points were not sufficient to outweigh her main conclusions.

Comment

The application was refused by Development Committee on 23 July 2008 contrary to the officer recommendation. The Town Council did not comment as there was no quorum at their meeting.

Final Decision: **Dismissed**
Application No: **B/08/00643 FHA** **Appellant:** **Mr & Mrs N Flathers**
Application decision: Delegated **Appeal Decision Date:** 13-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Tiwi, Church Road, Stutton, Ipswich, IP9 2SJ

Proposal: Erection of a detached single garage.

The Inspector's Reasons: The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area which is in an Area of Outstanding Natural Beauty. While he acknowledged that the site was partially screened from view, he considered that it failed to respect the relatively open form of adjacent development. As such the garage would be a discordant feature in the street scene and would thereby conflict with the provisions of Local Plan Policy CN01. In his opinion the provision of additional screening as suggested by the appellant would only serve to detract from the open character of the properties facing Church Road.

Comment

The application was refused on 2 June 2008 in line with the views expressed by the Parish Council.

Final Decision: **Dismissed**
Application No: **B/08/01293 FUL** **Appellant:** **Ellisdale Builders**
Application decision: Delegated **Appeal Decision Date:** 18-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Land south of Mages Yard, Lambs Lane, Lawshall

Proposal: Erection of detached two-storey dwelling; erection of detached garage; and construction of new vehicular access.

The Inspector's Reasons: The main issue in this case was whether the proposal would be prejudicial to the District Council's policies for open space as expressed in Local Plan Policy HS32. While the appellant did not dispute the provisions of the policy, they had neither completed a S106 agreement nor made the necessary contribution. Instead they had suggested that a planning condition could be imposed. The Inspector, however, noted that a condition would not meet the requirements of Circular 11/95 and in the absence of a contribution or S106 agreement the proposal would fail to meet the provisions of the Local Plan.

The Inspector also gave consideration to the issues raised by local residents and was of the view that the proposal would not be harmful to highway safety and that there would parking available for 3-4 vehicles. While he noted that the development would result in the loss of some conifer trees, he did not consider

them important to the character and appearance of the area. He also concluded that the new dwelling would not be overbearing or have an adverse impact upon the living conditions of neighbours. Despite these points, however, he remained of the view that in the absence of any acceptable mechanism to secure the open space contribution the appeal should be dismissed.

Comment

The application was refused on 4 November 2008 in line with the views expressed by the Parish Council.

Final Decision: **Dismissed**
Application No: **B/08/00398 FUL** **Appellant:** **A R Clarke Ltd**
Application decision: Delegated **Appeal Decision Date:** 18-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Mill House Barn, Bridge Street, Alpheton, Sudbury, CO10 9BG

Proposal: Conversion of existing barn to residential dwelling.
The Inspector's Reasons: In 2002 planning permission and listed building consent was granted for the conversion of the barn into a dwelling but these approvals have subsequently lapsed. The current proposals therefore fell to be determined on their own merits in the context of current policies. The Inspector considered the main issues to be whether the principle of development would be sustainable, whether it would have an adverse impact upon the character and appearance of the area and adjoining listed building, Mill House, and whether it would prejudice the District Council's open space policies. In relation to the first issue he found that insufficient consideration had been given to using the building for alternative purposes contrary to the requirements of Local Plan Policy CR19. While he found the building to be of architectural merit, he was not satisfied that the conversion could be undertaken without substantial rebuilding. The changes to the form of the building would in his view affect its relationship with Mill House. He therefore concluded that the development would be detrimental to the setting of Mill House, contrary to the aims of Local Plan Policy CN06. He acknowledged that this assessment was different to that previously made in 2002 but pointed out that this was on the basis of his current assessment of the material planning considerations. Turning to the final issue the Inspector observed that no contribution had been made towards the provision of open space and that a S106 agreement had not been completed. In the circumstances the proposal would be prejudicial to the implementation of Local Plan Policy HS32.

Comment

The application was refused on 27 May 2008. No comments were received from the Parish Council.

Final Decision: **Dismissed**
Application No: **B/08/00399 LBC** **Appellant:** **A R Clarke Ltd**
Application decision: Delegated **Appeal Decision Date:** 18-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Mill House Barn, Bridge Street, Alpheton, Sudbury, CO10 9BG

Proposal: Application for Listed Building Consent - Conversion of existing barn to residential dwelling.

The Inspector's Reasons: See notes on B/08/00398/FUL.

Final Decision: **Dismissed**

Application No: **B/08/01572 FHA** **Appellant:** **Mr & Mrs P Eames**
Application decision: Delegated **Appeal Decision Date:** 20-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: 97 Wattisham Road, Bildeston, Ipswich, IP7 7EG

Proposal: Erection of single-storey front extension.
The Inspector's Reasons: The main issue in this case was the impact of the proposal upon the character and appearance of the existing dwelling and the surrounding residential area. The Inspector was of the view that the extension by virtue of its position, size and design would appear incongruous in the street scene and appear unacceptably large. As such she concluded that the proposal would have an adverse impact upon the character and appearance of the existing dwelling and the surrounding area contrary to the aims of Local Plan Policies CN01 and HS33.

Comment

The application was refused on 28 November 2008. No objection was raised by the Parish Council.

Final Decision: **Dismissed**

Application No: **B/08/01493 FUL** **Appellant:** **Mr John Frankland**
Application decision: Delegated **Appeal Decision Date:** 20-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: Foresters Arms, Main Road, Chelmondiston, Ipswich, IP9 1DY

Proposal: Change of use from public house to residential dwelling.
The Inspector's Reasons: The main issue in this case was the effect of the proposal upon the economy and vitality of the rural community. The Inspector considered that the property had not been marketed as required by the District Council's Supplementary Planning Document: Safeguarding Employment Land and as such it had not been demonstrated that the premises were unsuitable or viable for employment use as required by Local Plan Policy EM24. While the appeal was considered on its individual merits, the Inspector observed that to allow the change of use under these circumstances would set a precedent which would undermine the objectives of Local Plan Policy EM24.

Comment

The application was refused on 28 November 2008. The Parish Council supported the application.

This case serves to endorse the recently adopted Supplementary Planning Document and the District Council's stance on the re-use of commercial premises.

Final Decision: **Dismissed**

Application No: **B/08/00799 FUL** **Appellant:** **Mr R Hubbard**
Application decision: Delegated **Appeal Decision Date:** 24-Mar-09

Appeal Procedure: Informal Hearing **Appeal Type:** Refusal of planning permission
Location: Land rear of High Trees Farm, Heath Road, East Bergholt

Proposal: Erection of 1 No. detached two-storey dwelling. Alterations to existing vehicular access (as amended by plan RW64000001/200A received on 23/07/08).

The Inspector's Reasons: The determination of this appeal was conjoined with the consideration of an appeal against application B/08/00800/FUL. Both appeals provided for the construction of dwellings to the side and rear of the back garden to High Trees House, a listed building, on land that exists between the house and two older barns which received the benefit of planning permission in 2007 for conversion into dwellings. In relation to both cases the Inspector identified three main issues. These were the effect of the development on the character and appearance of the adjacent Grade II listed building, the impact of the proposals on the living conditions of adjacent residents, and finally the effect of the proposals on the provision of open space.

In relation to the first issue the Inspector found that the proposals when assessed individually would fail to preserve the setting of High Tree House, a listed building. The Inspector also observed that the dwelling proposed on Appeal Site A (B/08/00799/FUL) would be unduly dominant by virtue of its height and mass and intrude visually into the open setting of the adjacent countryside. Both proposals were therefore considered to conflict with the provisions of Local Plan Policies CN01, CN06 and HS02.

As far as the second issue was concerned the Inspector found that neither proposal would unreasonably affect the living conditions of neighbouring residents to an extent that it would conflict with the provisions of Local Plan Policy HS28. In relation to the third issue the appellants submitted a Unilateral Undertaking prior to the hearing to address open space requirements and the Inspector was satisfied that neither appeal proposal would accordingly conflict with the provisions of Local Plan Policy HS32.

A partial claim for costs was submitted by the Appellant on the grounds that the Council had acted unreasonably in failing to discuss design issues and been put to unnecessary expense. The Inspector accepted, however, that detailed matters of design could not be separated from the main issues relating to the scale of the development and the impact of the schemes upon the setting of the listed building. Accordingly the claim for costs was refused in relation to both appeals.

Comment

Both applications were refused on 30 July 2008 in line with the wishes of the Parish Council.

Final Decision: **Dismissed**

Application No: **B/08/00800 FUL** **Appellant:** **Mr R Hubbard**

Application decision: Delegated **Appeal Decision Date:** 24-Mar-09

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

Location: Land rear of High Trees Farm, Heath Road, East Bergholt

Proposal: Erection of 1 No. detached two-storey dwelling. Alteration to existing vehicular access (as amended by plan RW64000001/201A received on 23/07/08).

The Inspector's Reasons: See notes on B/08/00799/FUL

Final Decision: Dismissed
Application No: B/08/01158 FHA **Appellant:** Mr Peter Jackson
Application decision: Delegated **Appeal Decision Date:** 25-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: 3 Pyghtle Terrace, Lavenham, Sudbury, CO10 9SB

Proposal: Construction of vehicular access.

The Inspector's Reasons: The main issues in this case were the effect of the proposal upon highway safety and the character of the area. In relation to the first issue the Inspector observed that there was insufficient space for vehicles to turn on site and that all access and egress would require some form of manoeuvring on the carriage way. The Inspector also considered that visibility at the proposed access would be sub-standard and therefore concluded that the proposal would cause unacceptable harm to highway safety. Although the Inspector noted that the removal of the frontage wall in isolation would not require permission, further loss in association with the formation of the access would erode the character and appearance of the Conservation Area. As such the development would be found to conflict with the aims of Local Plan Policy CN01.

Comment

The application was refused on 4 September 2008. No comments were received from the Parish Council.

Total Dismissed 11

Final Decision: Withdrawn
Application No: B/08/00200 LBC **Appellant:** Ms T Symons
Application decision: Delegated **Appeal Decision Date:** 18-Mar-09
Appeal Procedure: Written Representations **Appeal Type:** Refusal of planning permission
Location: The Saracens Head, Sudbury Road, Newton, Sudbury, CO10 0QJ

Proposal: Application for Listed Building Consent - Retention of canopy.

The Inspector's Reasons:

Total Others 1

Total Decided 12

Enforcement Cases

Final Decision: Withdrawn **Appeal Decision Date:** 18-Mar-09
Application No.: B/07/00432
Appeal Procedure: Written Representations **Appeal Type:** Enforcement action

Location: The Saracens Head, Sudbury Road, Newton, Sudbury, CO10 0QJ

Description of Breach: Canopy

The Inspector's Reasons: