

In analysing the performance for the processing of these differing types of application the Government do allow 13 weeks for the processing major applications and 8 weeks for processing the Minor and Other categories.

The figures below give the development management performance figures against these categories and for the calendar year 2013 on going both annual performance and quarterly statistics will be reported.

In addition this report also includes information about the recent appeal decisions and Members should note that any decision made to refuse an application opens the potential for an appeal by the applicant to the Planning Inspectorate.

As Members will be aware the majority of the applications received are granted planning permission, however for those that are refused and challenged through to an appeal it is considered important to analyse the appeal decisions in order to determine and evaluate whether lessons need to be learnt, or interpretations need to be given different weight at the decision making stage.

In addition the evaluation of the appeal decisions will also go some way to indicate the robustness and the correct application of the current and emerging policy context at both a local and national level.

2 Special Measures

Members will be aware that along with all Councils our performance has to be reported to Central Government and where authorities are deemed to be underperforming then they will be placed in 'special measures'.

As from June 2014 the Government have imposed two criteria against which Councils will be assessed, these are:-

- Where Councils have received more than 10 major applications over a rolling two year period then no more than 40% should take longer than 13 weeks to deal with.
- Where Councils have received more than 10 major applications over a rolling two year period 20% of decisions on major applications are overturned at appeal.

Members will note therefore that it is important to keep abreast of all decisions with regard to maintaining performance above the 'special measure' thresholds

2 All Decisions

It is clear therefore that with the regular (quarterly) reporting of this report to Planning Committee issues, trends and pressures could readily be identified. The figures in Tables 1-3 below include the data from the Government return (currently excludes 'Notifications and Certificates of Lawful development.)

TABLE 1

Decisions	2013/14	2014/15	2015/16	2106/17
All determined	574	596		
Delegated	510 (89%)	521 (87%)		
Granted	521 (91%)	546 (92%)		
Refused	49 (9%)	50 (8%)		

	TYPE	NUMBER
2013 Whole Year	All determined	574
2014 Whole Year	All determined	596
2014 Q1 (Apr - Jun)	All determined	166
	Delegated	143 (86%)
	Granted	156 (94%)
	Refused	10 (6%)
2014 Q2 (Jul - Sep)	All determined	146
	Delegated	125 (86%)
	Granted	129 (88%)
	Refused	17 (12%)
2014 Q3 (Oct - Dec)	All determined	137
	Delegated	121 (88%)
	Granted	128 (93%)
	Refused	9 (7%)
2014 Q4 (Jan - Mar)	All determined	147
	Delegated	132 (90%)
	Granted	133 (90%)
	Refused	14 (10%)

TABLE 2

2014/15 All Q's Running Total	TYPE	NUMBER
	All determined	596
	Delegated	521 (87%)
	Granted	546 (92%)
	Refused	50 (8%)

It is clear from the tables above that the volume of the cases determined during the survey period (Tables above) have percentage levels consistent with the whole year (2103) percentage.

It is considered that in granting planning permission for 92% of all applications received that the planning services of Eastbourne Borough Council have supported/stimulated the local economy and also helped to meet the aspirations of

the applicants and only where there are substantive material planning considerations is an application refused.

The table below highlights the speed of decision against the three Government categories (Major Minor and Other).

It is clear from the table below that the team are performing on/over the National PI threshold and that there are, at this time, no special measure issues.

TABLE 3

TITLE	Q1 (Apr - Jun) 14/15 %	Q2 (Jul - Sep) 14/15 %	Q3 (Oct - Dec) 14/15 %	Q4 (Jan - Mar) 14/15 %	Year in total (Rolling Performance as a %)	National/local TARGET PI %	SPECIAL MEASURES PI %
MAJOR	50 (4/2)	57 (7/4)	60 (5/3)	100 (1/1)	59	60	20
MINOR	76 (63/48)	79 (47/37)	84 (43/36)	71 (52/37)	77	65	0
OTHER	87 (99/87)	86 (98/84)	92 (89/82)	86 (94/81)	86	80	0

PRE-APPLICATION ADVICE

In addition to the formal applications received the Council offer a free pre application advice service. The table below indicates the numbers of pre-application enquiries received by the Council for the calendar year.

NAME	NUMBER
PRE APP (Old Process)	01
PRE APP HOUSEHOLDER	175
PRE APP MEDIUM	135
PRE APP MAJOR	19
TOTAL	330

This information is considered to be relevant given that it is a barometer as to the additional workload of the team and members should note that our returns to central government are based a pre-described application categories and they do not necessary highlight the volume of work going through the Planning section of the Council.

Members should note that Appendix No1 includes further application data by ward.

4 Refusals

Members requested further information on the number and break down of the refusal issued for the calendar year 2014. This information is highlighted within tables 4&5 below.

Member should be aware that in common with other years we refuse fewer than 10% of the applications received.

TABLE 3

REFUSALS BY WARD

Row Labels	Count of ward
DV	
Devonshire	8
HP Hampden Park	2
LG Langney	1
MD Meads	15
OT Old Town	3
RN Ratton	9
SA St Anthony's	4
SV Sovereign	4
UP Upperton	8
(blank)	
Grand Total	54

TABLES 4&5

REFUSAL BY DECISION LEVEL
COMMITTEE

131058	Retrospective application for the installation of decking and guard	DV Devonshire	19 Sydney Road
131017	Erection of 4no. floodlights, measuring 18m in height, and a covered	LG Langney	Shinewater Lane
140119	Outline application (For Access, Appearance, Layout and Scale) for	DV Devonshire	Firle Road & Beltring Terrace
140682	Change of Use from a Bed & Breakfast (Class C1) to a House for	DV Devonshire	10 Rylstone Road
140740	Erection of a two storey, two bedroom attached dwelling.	SA St Anthony's	3 Churchdale Place
140781	Erection of two detached single storey dwellings.	DV Devonshire	Eshton Road
141168	Change of use of public amenity land to private garden within the	SV Sovereign	2 Vancouver Road

DELEGATED

141064	Full width single-storey flat-roof extension to north-east elevation,	SV Sovereign	8 Lundy Walk
130630	Crown lift one sycamore	MD Meads	26 Saffrons Park
130786	Erection of 1 No. 3 bed detached chalet bungalow.	UP Upperton	15 Hartfield Road
131011	Erection of steel framed balcony with timber floor, balusters and	DV Devonshire	119 Royal Parade
131024	Provision for a Car Port attaching to existing garage.	SV Sovereign	5 Cook Avenue
131067	Installation of a replacement telecommunications mast on the public	RN Rattton	Victoria Drive
140040	Proposed ground floor extension	RN Rattton	2 Warburton Close
140148	Removal of lateral branches of an elm (encroaching on property, and	MD Meads	Blackwater Road
140167	Replacement windows, to replace the existing timber windows with	MD Meads	3 Grange Gardens
140248	Felling of one ash; felling of one twin-stemmed sycamore.		4 Walnut Tree Walk
140306	Display of 1 x externally illuminated totem sign on grass verge (App	RN Rattton	Lindfield Road
140308	Single storey plan roof extension	HP Hampden Park	9 Wilton Avenue
140344	Felling of two beech and two ash.	RN Rattton	10 Linkway
140355	Proposed loft conversion to rear with mansard roof	UP Upperton	71 Greys Road
140497	Provision of internal stairs and rooflight to provide access on to	UP Upperton	26 Upperton Road
140559	Proposed new end of terrace two storey dwelling to extend the existing	SA St Anthonys	29 Filder Close
140656	Felling of one beech.	MD Meads	Compton Place Road
140662	Removal of lowest large limb on house side of one Corsican pine;	MD Meads	74 Meads Road
140653	Repollarding of a group of limes; crown raing of one yew to clear	MD Meads	6 Carlisle Road
140568	Erection of first floor addition to rear and side (North West)	RN Rattton	8 Lodge Avenue
140570	Construction of 2no. dormers, to the front and rear of the property,	RN Rattton	3 Eridge Road
140626	Replacement windows to basement flat.	UP Upperton	9 Upperton Gardens
140640	Construction of a ramp and bridge to access the first floor of the	UP Upperton	Station Parade
140649	Erection of balcony to the rear elevation at first floor level.	OT Old Town	5 Peppercombe Road
140665	Proposed change of use of ground floor shop unit to 2no.	DV Devonshire	118-120 Seaside
140680	Two-storey side extension to form an additional 3no. self-contained	MD Meads	13 College Road
140748	Retrospective application for permission to erect decking at rear on	DV Devonshire	87 Longstone Road
140784	Erection of dormers to side and rear, with 3 rooflights, to create	RN Rattton	230 Willingdon Road
140788	Creation of a driveway for one car and crossover from public highway	MD Meads	10 Blackwater Road
140820	Felling of one yew (T2).	RN Rattton	91 Parkway
140813	Demolition of existing conservatory and replacement with proposed	DV Devonshire	18 Cavendish Avenue
140810	Replacement of one timber-framed window, to front, with PVC double	MD Meads	15 Darley Road
140839	Proposed single storey extension which would extend beyond the rear	HP Hampden Park	7 Wilton Avenue
140897	Felling of one copper beech.	MD Meads	16a Grassington Road
140867	Display of one painted wooden sign illuminated by Existing LED	MD Meads	89 Meads Street
140845	Proposed two storey extension to existing side elevation to form	UP Upperton	9 Moat Croft Road
140869	Proposed single storey extension which would extend beyond the rear	OT Old Town	13 Greenfield Road
140982	Reduction of one yew by 8-10 feet in height and removal of some outer	MD Meads	51 Meads Road
141025	Single storey extension at side and change of use from garage to	UP Upperton	4 Enys Road
141029	Alterations to front to provide new access to lower ground floor flat	MD Meads	10A Hyde Gardens
141038	Proposed single storey extension which would extend beyond the rear	SV Sovereign	73 Princes Road
141091	Proposed single storey extension which would extend beyond the rear	RN Rattton	64 Selmeston Road
141147	Prior approval of a proposed change of use from an office (B1) and	MD Meads	6 Cornfield Terrace
141201	Proposed single storey rear ground floors extension and conversation	SA St Anthonys	20 Boswell Walk
141226	Rear ground-floor extension with raised decking and steps to ground-	SA St Anthonys	68 St Philips Avenue
141235	Rear extension at ground floor level, above existing lower ground	UP Upperton	12 Carew Road
141337	Pollarding of 1no. Evergreen Oak and removal of second trunk.	MD Meads	4 Saffrons Park
141400	Single storey extension to the front.	OT Old Town	15 Gorse Close

5 Appeals

As commented above all applications that are refused have to the potential to be appealed by the applicant. The Council for the year 2014/15 have received 14 appeals; some of these appeals have not yet been decided but all appeals received are reported below.

Appeals received by ward/count & Appeal by development type/application

TABLE 6

Row Labels	Count of ward
DV	
Devonshire	4
HP Hampden Park	1
MD Meads	4
RN Ratton	1
SA St Anthony's	1
UP Upperton	3
Grand Total	14

TABLE 7

Row Labels	Count of pacode
ADV Advertisement	1
HHH Householder	4
OSR Outline (some reserved)	1
PAP Prior Approval	1
PCJ Prior Notification Class J	1
PPP Planning Permission	6
Grand Total	14

RECENT APPEAL SUMMARIES

ADV Advertisement
140867
The Pilot, 89 Meads Street, Eastbourne
Display of one painted wooden sign illuminated by Existing LED Dec Level Delegated
Officer Recommendation Refuse
Appeal decision Appeal decision expected

HHH Householder
131058
19 Sydney Road, Eastbourne
Retrospective application for the installation of decking and guardrails to flat roof at rear, with removal of bedroom window, to be replaced with access door to decking.
Dec Level Committee
Officer Recommendation Refuse
Appeal decision Appeal decision dismissed Significant detrimental impact upon

residential amenity
140108
60 Watts Lane, Eastbourne
Two storey extension to form self-contained unit adjoining the existing detached private house, with internal linking access doors.
Officer Recommendation Approve
Dec level Committee
Appeal decision Appeal decision Dismissed – Effect of the proposal on the character and appearance if the host dwelling and the area
140748
87 Longstone Road
Retrospective application for permission to erect decking at rear on existing flat roof.
Officer Recommendation Refuse
Dec Level Delegated
Appeal decision Appeal decision Dismissed – Adverse impacts upon the residential amenity (privacy) of the occupiers of the surrounding/adjacent properties
140167
Flat 4, 3 Grange Gardens, Eastbourne
Replacement windows, to replace the existing timber windows with matching upvc windows.
Dec Level Delegated
Officer Recommendation Refuse
Appeal decision Dismissed replacement windows in this instance would be harmful to the character and appearance of this building within the conservation area.
140451
Inglewood Nursing Home, 9-9 Neville Avenue, Eastbourne
Proposed 2-storey extension to provide 10 additional residents
Dec Level Committee
Officer Recommendation Approve
Appeal decision Appeal Dismissed ` Development failed to show that extension was subservient and was intrusive into the street scene`
140628
2 Silverdale Road (Southdown House)
Alterations to existing garage block to form new pitched roof to replace flat roof and

formation of two 2 bedroom flats within roof space - resubmission of application 130676.

Dec Level Delegated

Officer Recommendation Refused

Appeal Decision - Awaiting.

140711

Courtlands Hotel 3 - 5 Wilmington Gardens

Change of use to convert a 45 bedroom hotel to a 14 bedroom guest house hotel and 15 residential apartments.

Dec Level Committee

Officer Recommendation Granted

Appeal Decision - Awaiting

140781

R/O 11 - 23 Eshton Road

Erection of two detached single storey dwellings.

Decision Level Committee

Officer Recommendation Refused

Appeal Decision Awaiting

141201

20 Boswell walk

Proposed single storey rear ground floors extension and conversion of loft space, including the formation of front and rear dormers, to form habitable rooms.

Decision Level Delegated

Officer Recommendation Refused

Appeal Decision Awaiting

1-6 The Courtyard Wharf Road

Variation of condition 4 of permission EB/1999/0124 to permit the installation of gates across the entrance to the courtyard.

Officer recommendation: Approve

Dec Level: Planning Committee

Appeal decision: Appeal Dismissed ` scheme would not harmonize with the local environment and would not respect its distinctiveness'

PAP Prior Approval

141091
64 Selmeston Road
Proposed single storey extension which would extend beyond the rear wall of the existing house by 8 metres for which the maximum height for the overall extension would be 3 metres.
Officer Recommendation: Refuse
Dec Level: Delegated
Appeal decision Appeal Allowed 'Would not have an overbearing impact upon the occupiers of the adjoining properties'.
130329
25 Gordon Lodge Twinn Language School
Construction of a three storey extension at rear and conversion of the existing building to provide 11 no. residential flats together with landscaping, waste and cycle storage, including the removal of the existing rear external escape gantry and single storey lower ground side addition.
Officer recommendation: Approve
Decision Level Committee
Appeal Decision: Dismissed ' No S106 to cover the deliver of affordable housing'
130424
2-3 Beverley Court
Replacement of Single-Glazed Wooden Framed Windows and Exterior Doors with New Double-Glazed PVCu Framed Windows and Doors.
Officer Recommendation: Refused
Decision Level: Delegated
Appeal Decision:- Allowed 'good design and the energy efficiency of the windows would outweigh the modest harm to the character of the Conservation Area.
130786
15 Hartfield Road
Erection of 1 No. 3 bed detached chalet bungalow.
Officer Recommendation:- Refused
Decision Level: Delegated
Appeal Decision: - Dismissed 'Overlooking would impact upon the living conditions of the future occupiers of the unit; development would neither preserve nor enhance the character of the Conservation Area.
RMT Reserved Matters
130468

Land East Of Kings Drive, Kings Drive, Eastbourne
Application for approval of reserved matters (Details of the Dec Level Committee
Officer Recommendation Approve
Appeal Decision Withdrawn

Appeal Analysis
TABLE 9

	Approve – Member Overturn Allowed	Approve – Member Overturn Dismissed	Refuse – Member Support Refusal Allowed	Refuse – Member Support Refusal Dismissed
2013	7 (28%)	4 (16%)	2 (8%)	12 (48%)
2014	0	4 (40%)	2 (20%)	4 (40%)
2015				
2016				
2017				

Appeal Analysis Table 10

Year	Special Measures PI (%)	No of Majors Overturned at Appeal (number and %)
2014	20	1 (100%)
2015	N/A	N/A
2016	N/A	N/A
2017	N/A	N/A
2018	N/A	N/A

The above table 9 identifies the relevant decision permutations and it is acknowledged that the appeal volume is reducing when compared to the previous year. There may be a number of reasons for this; it could be applicants benefiting from the free pre-application advice and thereby improving the quality of the schemes that are being submitted; it could also be the Governments introduction of the 'larger residential extension' scheme that allows for homeowners to extended greater depth than would formerly be allowed without the need for a planning application. The appeal rate/volume will continue to be monitored going forward.

It is accepted that Eastbourne due to the nature and type of the borough statistically receive few major applications and as such we may not get above the commencement survey threshold of more than 10 applications. Notwithstanding this it is considered important to review and analyse all appeal decisions across all application types as an indicator that we have applied a sound planning judgement at both delegated and planning committee level.

Appeal Analysis Table 9 Column 1

Officer recommendation for approval – Member overturned – Appeal Allowed (Officers right Members were wrong) It is important to keep a watching brief on this column as this is often the scenario where costs are awarded against the Council. Notwithstanding this at the time of reporting it is acknowledged that the % of cases in this column has fallen significantly compared to the previous year.

It is accepted that at times there are differences of opinion between officers and Members however for the appeal decision received to date there have been no instances this year where this scenario has occurred.

In some way this could be an indication that all parties are aligned in their thinking and are consistent with established policy and National Advice.

Appeal Analysis Table 9 Column 2

Officer recommendation for approval – member overturned – appeal dismissed (Officers were wrong and Members were right) This is also a category where appeal costs can be awarded. This shows that officers are not always right, but the volume of cases in the category is modest.

Appeal Analysis Table 9 Column 3

Officer recommendation for refusal – Member support for refusal (committee or delegated) – Appeal allowed – Officers and Member were wrong. This shows that officer and Members are in tune but the officers have been over zealous with their recommendation and it has not been supported by the Planning Inspectorate. The volume in this category remains low but again this needs to be monitored as it is an indication that Officers may not follow planning policy/advice and skewing recommendations following neighbour concerns or trying to second guess the outcome of planning committee.

In essence it is important that officers do not shy away from making difficult recommendations if the recommendation is in accordance with national and local advice/policies.

Appeal Analysis Table 9 Column 4

Officer recommendation for refusal – Member support for recommendation (committee or delegated decisions) – appeal dismissed (officers and Members were right). This column shows when Officers and Members are in tune and supported by the Planning Inspectorate. The Higher the % the better, Members will note that this category is usually by far the largest.

Appeal Costs

As members will be aware the appeal process can award costs of the appeal to any party where the counter party has acted in an unreasonable manner. During the survey period the Council received two awards of costs:-

No issues to report.

Appeal Analysis Table 10

As commented earlier Eastbourne may not trigger the special measures threshold for Government intervention due to the number of major applications received. Notwithstanding this for the first nine months of 2014 Eastbourne has had 1 major application going through to an appeal decision and this was overturned resulting in 100% of cases being overturned.

Planning Enforcement

As outlined in the Planning Enforcement Policy Statement previously reported to committee regular reporting of the enforcement function to Planning Committee is considered important as keeps members aware of the cases and issues that are live in their area and would it assists in:-

- Tackling breaches in planning control which would otherwise have an unacceptable impact on the amenity of the area;
- Maintaining the integrity of the decision-making process;
- Helping to ensure that the public acceptance of the decision making process is maintained.

Going forward it is the intention to provide the statistics on a quarterly basis with an annual review.

Members will note some of the data places high volumes in the Devonshire ward, this reflects the focus given with/by the Difficult Property Group through S215 (Untidy Sites) legislation and also emphasises the support for the 'Driving Devonshire Forward' policy document.

Table 11
Enforcement Live Case on Hand

Row Labels	Count of pward
DV Devonshire	35
HP Hampden Park	7
LG Langney	11
MD Meads	14
OT Old Town	4
RN Ratton	14
SA St Anthony's	14
SV Sovereign	12
UP Upperton	14
(blank)	
Grand Total	125

YEAR	END OF Q1	END OF Q2	END OF Q3	END OF Q4
2014	28	46	61	95
2015	144			
2105				

Table 12

YEAR	CLOSED	RECEIVED
2014	246	346
2015	74	73

YEAR/Q	CQ1	RQ1	CQ2	RQ2	CQ3	RQ3	CQ4	RQ4
2014	33	107	38	72	95	92	87	92
2015	74	73						

It is clear from the above tables/information that the volume of cases **closed** has significantly increased in the second and third quarters of the calendar year 2014. This rate of closure reflects an upturn from approximately 10-15 cases per month (Q1&2) to approximately 25-30 cases per month (Q3&4), this has continued within the first quarter of 2015.

It is important to note that the closure rate is now matching the volume of received cases and as such there should not be an expanding backlog of live cases. On this issue Members should note that the volume of cases on the over 6months old list has remained fairly static at 30 cases.

Table 13 Enforcement Closed Cases by Complaint Type for 2014

Complaint Type	2014 (246)	2015 (74)	2016	2017
Breach of Planning Condition	34	18		
Empty Property	1	0		
General enquiry	2	0		
Land detrimental to the area	41	14		
Minor Disrepair	23	0		
Adverts	8	1		
Change of use	28	9		
Building works	82	28		
Works in Conservation Area	11	2		
Works to Listed Building	9	1		
Works to Protected Trees	10	1		

4 Human Resources

As members are aware the Customer First team within which the planning function rests, has undergone significant change during the last 2 years. However there has been a period of stability over this survey period with the roles/responsibilities of the Case Workers and Specialist Advisors becoming embedded.

The planning function now has a full compliment of staff with their knowledge base being supported by a comprehensive training/mentoring programme facilitated by internal and external trainers.

5 Legal

Save for the potential costs claim that could follow an appeal there are no other legal issues arising from this report.

APPENDIX No 1

Planning Application Type/Ward for calendar year 2014 to date:- Appendix 1 Table 11

Table 14

Calendar Year 2014 Applications Received (Including All Planning Applications - Pre application Schemes - Tree application & Invalid submissions)

Row Labels	Count of ward
000 Invalid code	1
DV Devonshire	171
HP Hampden Park	78
LG Langney	46
MD Meads	337
OT Old Town	115
RN Ratton	139
SA St Anthony's	131
SV Sovereign	90
UP Upperton	217
(blank)	
Grand Total	1325