PLANNING COMMITTEE

DATE November

SUBJECT SUMMARY OF PERFORMANCE OF THE PLANNING

SERVICE FOR 3rd QUARTER (Jul - Sep)

OF 2015 and PLANNING CUSTOMER SATISFACTION

SURVEY FROM (Jun - Oct)

REPORT OF Leigh Palmer Senior Specialist Advisor (Planning)

WARDS All

PURPOSE This report provides a summary of performance in

relation to key areas of the Development Management Services for the relevant period

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RECOMMENDATION That Members note the content of this report

1 Background

Members will be aware that together we deal with a whole host of planning applications covering a range of differing forms of development.

Given the many varied types of planning application received Central Government require that all Councils report the performance in a consistent and coherent manner. To this end and for reasons the many varied applications are clumped together into three broad categories Major, Minor and Others.

In broad terms the types of application falling into these categories are outline below.

MAJOR DEVELOPMENT	MINOR DEVELOPMENT	OTHER DEVELOPMENT
10+ Dwellings / Greater	1-9 Dwellings/ greater	Householder applications
.5Ha	.5Ha	
Office/light industrial	Office /light industrial up	Change of use
greater 1000sqm/ 1Ha	to 999sqm under 1Ha	
General industrial greater	General Industrial up to	Adverts
1000sqm / 1Ha	999sqm under 1 Ha	
Retail greater 1000sqm /	Retail up to 999sqm under	Listed Building
1Ha	1 Ha	
Gypsy & Traveller 10+	Gypsy & Traveller 0-9	Conservation Area
Pitches	Pitches	Applications
		Certificates of Lawfulness
		Notifications

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 starting with the calendar year 2013 on going; both annual performance and quarterly statistics are reported below.

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 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	2014	2015	2106
All determined	574	596	414	
Delegated	510 (89%)	521 (87%)	359 (87%)	
Granted	521 (91%)	546 (92%)	375 (91%)	
Refused	49 (9%)	50 (8%)	39 (9%)	

	TYPE	NUMBER
2013 Whole Year	All determined	574
2014 Whole Year	All determined	596
2015 (Not) Whole Year	All determined	414
2015 Q1 (Jan - Mar)	All determined	147
	Delegated	132 (90%)
	Granted	133 (90%)
	Refused	14 (10%)
2014 Q2 (Apr - Jun)	All determined	129
	Delegated	112 (87%)
	Granted	115 (89%)
	Refused	14 (11%)
2014 Q3 (Jul - Sep)	All determined	138
	Delegated	115 (83%)
	Granted	127 (92%)
	Refused	11 (8%)
2015 Q4 (Oct - Dev)	All determined	
	Delegated	
	Granted	
	Refused	

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&14) percentage.

It is considered that in granting planning permission for 91% 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.

TITLE	Q1 (Jan – Mar) %	Q2 (Apr - Jun) %	Q3 (Jul - Sep) %	Q4 (Oct - Dec) %	Year in total (Rolling Performance as a %)	National/local TARGET PI %	SPECIAL MEASURES PI %
MAJOR	50	0	0	70	50	60	20
MINOR	(1/0)	(0/0)	(0/0) 72		62	65	0
OTHER	(52/37) 86 (94/81)	(46/28) 82 (83/68)	(64/36) 84 (74/62)		84	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 up to the end of Q3.

NAME	NUMBER
PRE APP (Old Process)	0
PRE APP HOUSEHOLDER	129
PRE APP MEDIUM	117
PRE APP MAJOR	10
TOTAL	256

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 2015 (to date). 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	15
LG Langney	3
MD Meads	10
OT Old Town	4
RN Ratton	4
SA St Anthony's	10

SV Sovereign	5
UP Upperton	12
(blank)	
Grand Total	63

Table 3a

Calendar Year 2015 Applications Received (Including All Planning Applications - Pre application Schemes - Tree application & Invalid submissions)

Table 3a

Row Labels	Count of ward
DV Devonshire	130
HP Hampden Pa	rk 32
LG Langney	39
MD Meads	261
OT Old Town	93
RN Ratton	104
SA St Anthonys	93
SV Sovereign	68
UP Upperton	147
(blank)	
Grand Total	967

TABLES 4&5 REFUSAL BY DECISION LEVEL (see below)

COMMITTEE REFUSAL

COM	MITTEE REPUSAL		
141575	PROPOSED CONVERSION OF EXISTING GARAGE/SHOP STORAGE TOGETHER WITH 2	UP Upperton	
141389	Erection of a detached 2 bedroom bungalow with garage within the rear	OT Old Town	34 Dillingburgh Road
141497	Demolition of existing garage and erection of 1no. two-storey	LG Langney	55 Friday Street
141524	Retrospective application under section 73a for the retention of an	MD Meads	10 Blackwater Road
141604	Proposed demolition of existing garage and conservatory and erection	SV Sovereign	1 Vincent Close
150046	Three storey extension to the east side to provide three two-bedroom	MD Meads	2 Silverdale Road
150070	Demolition of 10 lock-up garages and erection of 6 x terraced 2		Queens Crescent
150092	Conversion of first floor residential accommodation to form 1 one-	OT Old Town	153 Victoria Drive
150141	RECONSULTATION: New build 2 Storey residential accommodation		Land to rear of 48 St Leonards Road
150208	Retrospective application for Change of Use from Guesthouse (Class C1)	DV Devonshire	93 Royal Parade
150285	Installation of rides and stalls upon the decking at the location of	DV Devonshire	Grand Parade
150365	Erection of 2 storey side extension (Amended description).	SA St Anthonys	29 Filder Close
150424	Erection of first floor rear extension and single storey rear	DV Devonshire	199 Seaside
150443	Outline application (with Appearance, Landscaping and Scale reserved)	UP Upperton	29 Bedfordwell Road
150495	Formation of a playground enclosed by a 1.4 metre high fence and	SA St Anthonys	1 St Philips Place
150499	Demolition of existing buildings and erection of a three-storey 58 bed	OT Old Town	46-48 East Dean Road
150646	Erect single storey extension and first floor addition at rear	DV Devonshire	199 Seaside
150694	Demolition of existing building and flint boundary wall. Rebuilding of	UP Upperton	51 Upperton Lane
150729	Application to vary condition 6 of planning permission	SA St Anthonys	St Philips Avenue
150759	Proposed conversion of a previously approved 2-bedroom ground floor	DV Devonshire	41 Pevensey Road
150760	Erection of a two storey building to provide 2no. studio flats on and	SA St Anthonys	1 Baillie Avenue
150804	Retention of new boundary fence	SV Sovereign	1 Samoa Way
150921	Retention of existing 2m high closed board timber fence to facilitate	LG Langney	258 Sevenoaks Road

DELEGATED REFUSALS

DV Devonshire	28, 29 And 29a Marine Parade
DV Devonshire	28, 29 And 29a Marine Parade
OT Old Town	23 Albert Parade
MD Meads	12 Milnthorpe Road
DV Devonshire	311 Seaside
UP Upperton	3 Hurst Lane
RN Ratton	4 Woodcroft Drive
SA St Anthonys	84 Bridgemere Road
DV Devonshire	218 Seaside
UP Upperton	3 Saffrons Road
MD Meads	10 Trinity Trees
SV Sovereign	32 Pevensey Bay Road
DV Devonshire	79 Seaside
MD Meads	2 Silverdale Road
DV Devonshire	85 Cavendish Place
UP Upperton	12 St Annes Road
SA St Anthonys	242 Seaside
UP Upperton	39 Upperton Lane
SV Sovereign	34 Sturdee Close
RN Ratton	19 The Combe
SA St Anthonys	3 Churchdale Place
MD Meads	Link Road
MD Meads	18 Silverdale Road
SA St Anthonys	31 Bowood Avenue
DV Devonshire	184 Ashford Road
UP Upperton	3 Selwyn Road
UP Upperton	12 St Annes Road
MD Meads	40 St Johns Road
UP Upperton	12 Carew Road
UP Upperton	23 Upperton Road
DV Devonshire	Waterworks Road
DV Devonshire	60 Susans Road
RN Ratton	60 Park Avenue
DV Devonshire	26-28 Elms Avenue
SA St Anthonys	21 Treemaines Road
RN Ratton	145 Burton Road
MD Meads	9 Granville Road
UP Upperton	23 Compton Place Road
MD Meads	42 Saffrons Park
SV Sovereign	46 Hardy Drive
3V 30Vereign	10 Haray Bilve
LG Langney	4 Tenterden Close
	DV Devonshire OT Old Town MD Meads DV Devonshire UP Upperton RN Ratton SA St Anthonys DV Devonshire UP Upperton MD Meads SV Sovereign DV Devonshire MD Meads DV Devonshire UP Upperton SA St Anthonys UP Upperton SA St Anthonys UP Upperton SA St Anthonys UP Upperton SV Sovereign RN Ratton SA St Anthonys MD Meads MD Meads MD Meads SA St Anthonys DV Devonshire UP Upperton DV Devonshire DV Devonshire RN Ratton DV Devonshire RN Ratton DV Devonshire SA St Anthonys RN Ratton MD Meads UP Upperton DV Devonshire RN Ratton DV Devonshire SA St Anthonys RN Ratton MD Meads UP Upperton

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 15 have received 14 appeal decisions and the decision letters are appended to this report (for information purposes)

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

TABLE 6

Row Labels	Count of ward
DV Devonshire	3
LG Langney	1
MD Meads	4
OT Old Town	1
SA St Anthonys	3
SV Sovereign	1
UP Upperton	1
Grand Total	14

TABLE 7

_	ount of acode
ADV Advertisement	1
HHH Householder	7
OSR Outline (some	
reserved)	1
PPP Planning	
Permission	5
Grand Total	14

APPEAL ANALYSIS

Recent appeal decision letters are appended to this report

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	0 (0%)	3 (21%)	2 (14%)	9 (65%)	
2016					
2017					

Appeal Analysis Table 10

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

The above table 9 identifies the relevant decisions permutations and it is acknowledged that the appeal volume is reducing when compared to 2013. 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 receives few major applications and as such we may not get above the survey threshold of more than 10 appeal decisions overturned. 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 0% of cases in this column has fallen significantly compared to the previous years.

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 only one instance 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 officers 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, this is a reflection that the decision that were taken were consistent with National and Local advice.

Appeal Costs

As members will be aware the appeal process can award costs to any party involved in the appeal process where it can be demonstrated that any party has acted unreasonably. During the survey period the Council received one award of costs:-

One appeal for costs has been submitted within the survey period; this claims that the Council acted unreasonably in their handling of the Courtlands Hotel application. The agent for this appeal has supplied details justifying their costs claim of £15,000.

Members should note that this is not an insignificant sum of monies that is Bourne from the public purse and as such collectively we should strive to secure that wherever possible costs claims are avoided. Legal and Planning Officers will advise members where there is the likelihood of a cost claim being successful.

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 ten months of 2015 Eastbourne has had 1 major application going through to an appeal decision and this was overturned resulting in 100% of cases being overturned.

6 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	f pward			
DV Devonshire	53			
HP Hampden Park	3			
LG Langney	8			
MD Meads	13			
OT Old Town	6			
RN Ratton	17			
SA St Anthonys	17			
SV Sovereign	13			
UP Upperton	7			
(blank)				
Grand Total 13				

Cases Closed

YEAR	END OF Q1	END OF Q2	END OF Q3	END OF Q4
2014	28	46	61	95
2015	144	61	117	
2106				

Table 12

YEAR	CLOSED	RECEIVED
2014	246	346
2015	252	255

Table 13

YEAR/Q	CQ1	RQ1	CQ2	RQ2	CQ3	RQ3	CQ4	RQ4
2014	33	107	38	72	95	92	87	92
2015	74	73	61	92	117	91		

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 2015 to date.

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.

7 Customer Satisfaction Survey

Introduction

Between June and October we took part in a National Project to improve the way local council planning departments work. Run by the Planning Advisory Service (PAS) we carried out a Customer Satisfaction Survey, which was sent to all Applicants and Agents following our decision on their planning applications, and those who made representations on applications for their views on how well we had dealt with the applications.

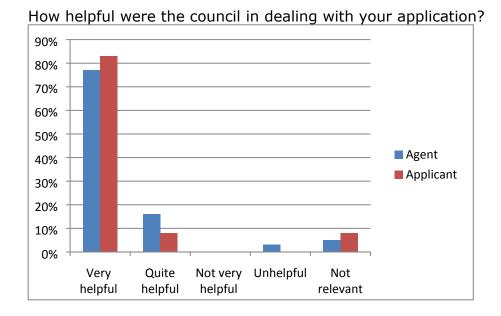
The purpose of this report is to look at the responses received and to highlight any areas for improvement in how we deal with planning applications and engage with our 'customers', Applicants, Agents and Neighbours (members of the public).

In total we had sent the survey to 197 recipients, we received 94 responses so had a 47% response rate.

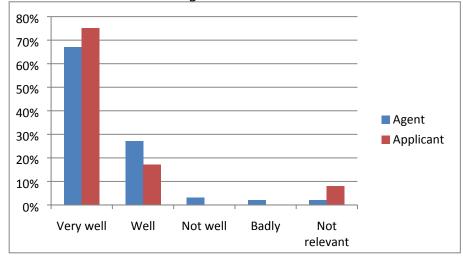
Planning Agents and Applicant

It is fair to assume that planning Agents have experience of submitting planning applications, and how the process works generally. This could explain generally why their experience of the planning system is better. The majority of our planning applications are submitted by 5 local planning agents, therefore we have built up good working relationships with these agents. Planning Applicants could be first time applicants, generally where applicants do not use a planning agent the type of application tends to be more simple.

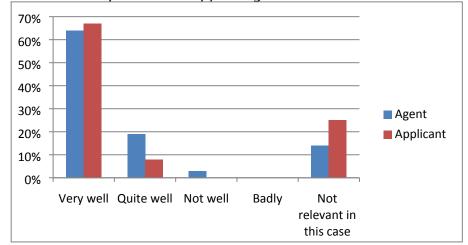
The following graphs outline responses to the questions of the satisfaction survey from Applicants and Agents.



How well did the Council manage the time taken to make a decision?



The council usually asks you to send in supporting information with the planning application. Did they use this supporting information well?



Comments were received around the validation of applications, and the difficulty when emails regarding validation are sent from individuals rather than a generic email address. If responses are sent directly to individuals this could delay matters if that person is away or doesn't thereafter index the email response. There were also comments around how we deal with long term absence, once member of staff was absence for a long period and emails sent directly to him were therefore not picked up.

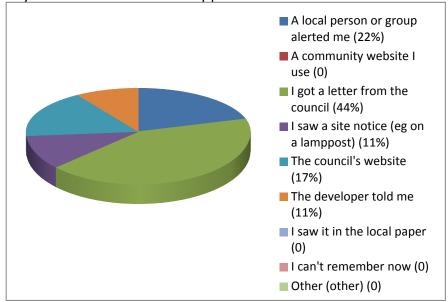
There were a number of positive responses from Agents and Applicants about the service they received. The majority had a good experience and commented that Case Workers/Specialists were helpful, and engaging throughout the process so as to have a positive outcome.

Neighbours/Interested parties

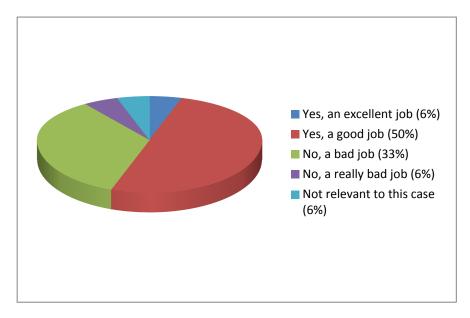
The comments and responses from the Neighbours/interested parties, those who commented on the applications is the most useful and interesting in terms of how we can improve our service for members of the public. The survey was carried out online, and sent to those who provided an email address when commenting on the

application, therefore to some degree they have engaged with the online/electronic system. The following charts outline the answers given to the survey.

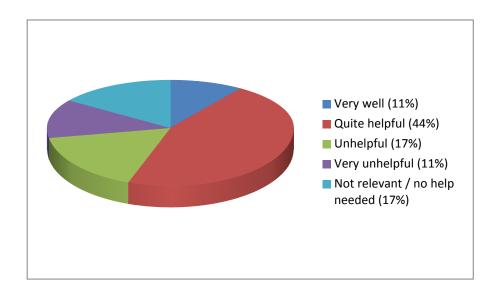




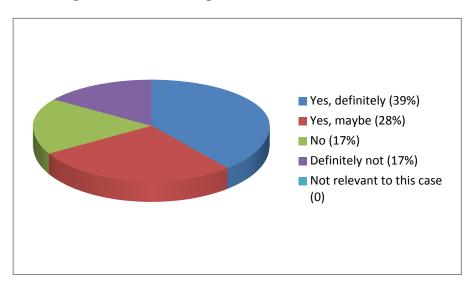
Did our website and the paperwork from the application help you understand the proposal?



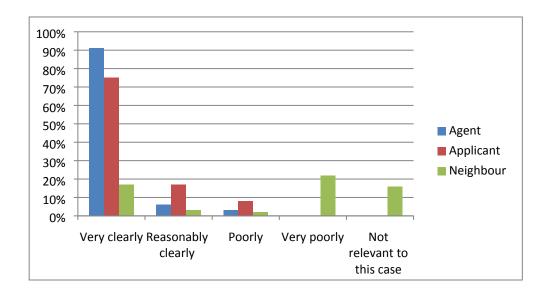
How we assess planning applications can sometimes be difficult to comprehend. How well did we help you understand the planning process and engage with it?



Our job is to make a decision as quickly as possible but also to listen to people's views. Did we get this balance right in this case?



How clearly did the council explain its decision?



There is a clear distinction that the Agent/Applicants feel that the decision is clearly explained whereas neighbours who responded did not.

This could be simply that the Agent and/or Applicant would be sent a copy of the decision notice, whereas we do not send the decision notice to any other interested party. The letter to the neighbour consultees explains this and that the decision will be available online or if they contact the Council. The reasons for the decision are set out in the Case Officers report which is also available online this is evidently not clear to those commenting on applications.

The majority of those who carried out the survey were those who were formally consulted by way of neighbour consultation letter. Of those who responded 50% of people said our website was useful to help them to understand the proposal, unfortunately 33% found the website to not help inform them of the application proposal.

Comments submitted state that the website was hard to navigate, that the pages were disjointed, that the website kept falling over and that the website did not include a timetable for the application so they did not understand when a decision was due.

Several comments were made about the information displayed on our website, in that not all comments were viewable. There is work to be done to insure that all those indexing comments/objections are aware of how to index, so that the customer gets an automatic acknowledgement and that the document is redacted to be made public.

The website needs improving was the main comment, and that members of the public found it difficult to view the necessary documents as they are not in any clear order. The letter sent out states that the documents are available online and gives a link, but does not explain in great detail.

Improvements/Recommendations

The planning section of the website, how members of the public view applications and comment is currently under review, with a new website to be launched soon. This should greatly improve the 'usability' of this service for member of the public.

Our website on the front page of the application has the date the application was received and the date it was made valid. It does not state the date the decision is due, or when comments should be submitted by. This should be picked up in the new website design.

When the new website is launched the consultation letter sent to neighbouring properties will be improved to explain much clearer how to use the website to view the application documents, in that you have to search the planning register with the application reference number.

In terms of how we explain our decision, it is not proposed that a copy of the decision notice is sent to any who comment on applications, given that the majority of people do engage with the online system and submit comments online, and the time and cost associated with this. However it is recommended that updates are made to the neighbour consultation letter which clearly explains how they can view our reasons for making the decision, such as how to view the Officers report online post decision for a full explanation.

Continued training is being carried out with all those who do planning indexing to ensure the documents are indexed correctly, that we are utilising the 'Document Title' to clearly label documents as this appears on the website, and to ensure that all comments are made available online within a timely manner.

Something to explore further relates to being able to move documents around on W2 so that similar plans or documents can be grouped together to really improve the way customers view documents. Especially on the bigger applications there can be several pages of documents and plans.

It is unlikely that we can make emails in relation to planning validation be sent from a generic email address, therefore the template for the invalid letter should be improved to state 'please send all return correspondence to customerfirst@ Eastbourne.gov.uk' to ensure that responses are picked up in a timely manner.

It is also recommended that the section of the website in relation to applying online (http://www.eastbourne.gov.uk/residents/planning/make-planning-application/), how to submit documents and the documents needed to be submitted with an application is improved to reduce the amount of applications made invalid on receipt. We have already created a checklist for 'householder' applications to make it clear for applicants submitting householder applications the documents they are required to submit this is being sent out with all pre-application responses to assist applicants.

Conclusion

The majority of the Customer surveyed were happy with the service they received and gave positive feedback. The above recommendations are being worked on by the Specialist Advisors to further improve our service.

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

It is considered that the current workload/capacity and the current level of performance can be sustained with/by the current establishment.