

COMMITTEE	PLANNING COMMITTEE
DATE	February
SUBJECT	SUMMARY OF PERFORMANCE OF THE PLANNING SERVICE FOR 4th QUARTER (Oct - Dec) OF 2015
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 .5Ha	1-9 Dwellings/ greater .5Ha	Householder applications
Office/light industrial greater 1000sqm/ 1Ha	Office /light industrial up to 999sqm under 1Ha	Change of use
General industrial greater 1000sqm / 1Ha	General Industrial up to 999sqm under 1 Ha	Adverts
Retail greater 1000sqm / 1Ha	Retail up to 999sqm under 1 Ha	Listed Building
Gypsy & Traveller 10+ Pitches	Gypsy & Traveller 0-9 Pitches	Conservation Area 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, trees and pre application submission)

TABLE 1

Decisions	2013	2014	2015	2106
All determined	574	596	545	
Delegated	510 (89%)	521 (87%)	472 (87%)	
Granted	521 (91%)	546 (92%)	488 (90%)	
Refused	49 (9%)	50 (8%)	57 (10%)	

	TYPE	NUMBER
2013 Whole Year	All determined	574
2014 Whole Year	All determined	596
2015 Whole Year	All determined	545
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 - Dec)	All determined	131
	Delegated	113 (86%)
	Granted	113 (86%)
	Refused	18 (14%)

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 &15) percentage.

It is considered that in granting planning permission for 90% 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 (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 (1/0)	0 (0/0)	0 (0/0)	0 (1/1)	50	60	20
MINOR	71 (52/37)	61 (46/28)	56 (64/36)	66 (58/38)	63	65	0
OTHER	86 (94/81)	82 (83/68)	84 (74/62)	90 (72/65)	85	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 the calendar year 2015.

PROCESS NAME	NUMBER 2015	NUMBER 2014
PRE APP (Old Process)	0	53
PRE APP HOUSEHOLDER	163	126
PRE APP MEDIUM	159	108
PRE APP MAJOR	10	16
TOTAL	332	303

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	16
HP Hampden Park	1
LG Langney	6
MD Meads	12
OT Old Town	5
RN Ratton	6
SA St Anthonys	13
SV Sovereign	5
UP Upperton	13
(blank)	
Grand Total	77

Table 3a
Calendar Year 2015 Applications Received (Including All Planning Applications - Pre application Schemes - Tree application & Invalid submissions). This table gives the full account of the workload coming through the section.

Table 3a

Row Labels	Count of ward
DV Devonshire	164
HP Hampden Park	46
LG Langney	50
MD Meads	386
OT Old Town	126
RN Ratton	138
SA St Anthonys	120
SV Sovereign	91
UP Upperton	198
(blank)	
Grand Total	1319

TABLES 4&5

REFUSAL BY DECISION LEVEL (see below)

COMMITTEE REFUSAL

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	New build 2 storey residential accommodation consisting of 7 dwellings		Land to rear of 48 St Leo
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 Anthony's	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 Anthony's	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 Anthony's	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 Anthony's	1 Baillie Avenue
150804	Retention of new boundary fence	SV Sovereign	1 Samoa Way
150882	To erect mesh fencing 1.8m high, to create an outdoor play area 38.3m	LG Langney	64 Kingfisher Drive
150921	Retention of existing 2m high closed board timber fence to facilitate	LG Langney	258 Sevenoaks Road
150975	Replacement of pitched roof to the rear of no.42 with a raised flat	MD Meads	42-44 Meads Street
151007	Erection of a detached dwelling with integral garage.	RN Ratton	4 Walnut Tree Walk

DELEGATED REFUSALS

150010	Erection of first floor side extension	SV Sovereign	32 Pevensey Bay Road
150069	Change of use of retail floorspace (use class A2) to 2 X 1 bedroom	DV Devonshire	79 Seaside
150086	Topping of nine limes back to original height.	MD Meads	2 Silverdale Road
150087	Variation of condition 2 of Permission EB/2007/0129 (change of use	DV Devonshire	85 Cavendish Place
150122	T2 beech- Fell to ground level.	UP Upperton	12 St Annes Road
150154	Erection of rear dormer roof extension on existing 2 storey rear	SA St Anthonys	242 Seaside
150233	External alterations and change of use from vehicle repair workshop to	UP Upperton	39 Upperton Lane
150253	Erection of first floor rear extension to existing detached house.	SV Sovereign	34 Sturdee Close
150328	50% Crown reduction of two Beech Trees nearest to the property.	RN Ratton	19 The Combe
150374	Erection of a detached 2 storey, 2 bedroom house on land adjacent to 3	SA St Anthonys	3 Churchdale Place
150394	T1 & T2 Beech, felling of 2 beech trees	MD Meads	Link Road
150410	Installation of replacement UPVC windows to front, side and rear.	MD Meads	18 Silverdale Road
150420	Single storey rear extension with a depth of 5.95m (max) and 5.12m to	SA St Anthonys	31 Bowood Avenue
150425	Erection of attached building incorporating a ground floor studio	DV Devonshire	184 Ashford Road
150437	Outline application (all matters reserved) for demolition of lean to	UP Upperton	3 Selwyn Road
150460	T2 Beech fell to ground level, T5 & T6 : Beech deadwood from crown,	UP Upperton	12 St Annes Road
150469	3no Quercus Ilex. Previously pollarded. Causing shading to adjacent	MD Meads	40 St Johns Road
150491	Erection of upper ground floor rear extension above existing lower	UP Upperton	12 Carew Road
150502	T5: Norway Maple reduce back to previous 25%. T3: Yew reduce crown off	UP Upperton	23 Upperton Road
150647	Prior notification of proposed demolition. Application to demolish a	DV Devonshire	Waterworks Road
150711	Retrospective permission for the creation of self contained	DV Devonshire	60 Susans Road
150782	Erection of a single storey extension at rear.	RN Ratton	60 Park Avenue
150789	Change of use from hotel to HMO	DV Devonshire	26-28 Elms Avenue
150794	Proposed increase in length of ground floor front extension (increase	SA St Anthonys	21 Treemaines Road
150797	Two storey extension at side.	RN Ratton	145 Burton Road
150811	T1: Corsican Pine, remove deadwood, T2: Lime, crown reduce by 40% thin	MD Meads	9 Granville Road
150832	T1 and T2, Lime - Pollard. T3, Lime - reduce large wood by 2 to 3m	UP Upperton	23 Compton Place Road
150844	1x over-extended stem from 3-stem Elm towards rear wall to fell to as	MD Meads	42 Saffrons Park
150883	Extension of side boundary wall to the edge of the plot adjacent to	SV Sovereign	46 Hardy Drive
150919	Erection of a single storey ground floor rear extension to a maximum	LG Langney	4 Tenterden Close
150936	Erection of a self-contained bungalow to the rear in association with	LG Langney	Langney Rise
150994	1no. silver birch - reduce in height 3m, balance overall	SA St Anthonys	Hammonds Drive
151010	Rear two storey extension, loft extension and dormer window to side	DV Devonshire	6 Cambridge Road
151087	Retrospective permission sought for the lower section of raised	SA St Anthonys	8 The Circus
151088	Removal of existing double garage to the rear of 30 Brodrick Road and	HP Hampden Park	30 Brodrick Road
151142	Retention of existing boundary fence to side/rear facing onto Reynolds	SA St Anthonys	24 Sevenoaks Road
151205	Following approval granted 9 September 2015 under reference PC/150842	RN Ratton	91 Parkway
151216	T1-T9 Lime and T4 Sycamore: 3 Metre crown reduction.	MD Meads	2 Silverdale Road
151222	Erection of a two storey building to provide 1no. dwelling on land	SA St Anthonys	1 Baillie Avenue
151233	Erection of a single storey ground floor rear extension to a maximum	LG Langney	4 Tenterden Close
151277	Felling of T1 Ash.	OT Old Town	Shortdean Place

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 2015 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 Anthony's	3
SV Sovereign	1
UP Upperton	1
Grand Total	14

TABLE 7

Row Labels	Count of pacode
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

Blank	24
Devonshire	44
Hampden Park	4
Langney	3
Meads	11
Old Town	7
Ratton	6
Sovereign	10
St Anthony's	17
Upperton	7
Grand Total	133

Cases Closed/Received

Table 12

YEAR	CLOSED	RECEIVED
2014	253	363
2015	347	332

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	95	76

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 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 around 30 cases.

Following the reporting of this report in Nov 2015 Members requested a list of long-outstanding enforcement cases. Below is a list of those live cases that have been on the books for more than 6 months.

Reference	Officer	Complaint	Address
118728	Thea Petts	First floor improvement required	14 Langney Road
118732	Thea Petts	Amenity issue - improvement required on all floors	10 Pevensey Road
118731	Thea Petts	Amenity issue - all floors require improvement	21 Susans Road
118735	Thea Petts	Amenity issue - improvement required to all floors	20 Susans Road
118737	Thea Petts	Amenity Issue - all floors and balcony	41 Cavendish Place
118739	Thea Petts	Amenity Issue - All Floors, Windowframes and Balcony	33 Cavendish Place
116864	Toby Balcikonis	PARADE OF SHOPS IN POOR STATE OF REPAIR	Brassey Parade
117952	Toby Balcikonis	Untidy front garden contributing to poor appearance of the area.	64 Queens Crescent
118629	Thea Petts	Derelict building detrimental to residential amenity	266 Victoria Drive
118741	Thea Petts	Amenity Issue - All Floors and Visible Elevations	Senlac House 53-59 Seaside
118149	Anna Clare	Poor appearance of plot of land	1 Windermere Crescent
117484	Neil Holdsworth	Alleged occupation by permanent residents	Carlton Court Hotel 10 Wilmington Square
117765	Neil Holdsworth	Commercial units used for residential purposes	Units 3 4 And 6 64 Belmore Road
114581	Anna Clare	SPD to bedsits conversion	65 Cavendish Avenue
118551	Toby Balcikonis	Running garage from garage creating noise and disturbance.	Fitzmaurice Mews Fitzmaurice Avenue
118186	Thea Petts	Unauthorised decking and fence adjacent to a highway	1 Jephson Close
118187	Thea Petts	Unauthorised decking	2 Jephson Close
118786	Toby Balcikonis	Erection of fence more than 1 metre in height fronting a highway high	1 Samoa Way
116516	Toby Balcikonis	Addition of pitched roof over garage to create covered car port	83 St Anthonys Avenue
118362	Anna Clare	Unlawful works to basement of adjacent premises.	120 Seaside Road
117824	Hayley Cornford	Reported garage conversion into self-contained flat (plus party wall)	24 Coastguard Square Addingham Road
118596	Thea Petts	Unauthorised works	20 Granville Road
116801	Anna Clare	Installation of a metal structure housing a the biomass boiler	14 Maple Road
118435	Thea Petts	Unauthorised structure in rear garden (incl. satellite dish)	12 Old Orchard Road
118495	Neil Holdsworth	Removal of timber sliding sash windows and installation of uPVC	The East Beach Hotel 23-25 Royal Parade
117310	Toby Balcikonis	Business running from home - address tbc	157 Ringwood Road
118117	Thea Petts	Upvc windows put in despite EBC & PINs refusal 140167	Flat 4 3 Grange Gardens
118226	Toby Balcikonis	BREACH OF PLANNING REGULATIONS	18 Lottbridge Drive
118413	Anna Clare	Outbuildings covering <50% of land inc. enclosure for 50 chickens	141 Princes Road
116997	Toby Balcikonis	Infill between front of the house and garage and use of garage as room	103 Blakes Way
117293	Neil Holdsworth	CHANGE OF USE FROM GUEST HOUSE TO HMO	Sovereign View Guest House 93 Royal Parade

7 Legal & Human Resources

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.