

DEVELOPMENT CONTROL PERFORMANCE 2008/2009

REPORT OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION

1.0 PURPOSE OF THE REPORT

1.1 The purpose of the report is firstly to advise Committee of the performance of Development Control over the first half of the financial year 2008/2009 and secondly to inform Committee of the changes to Permitted Development Rights relating to extensions and alterations to dwellinghouses, introduced on 1<sup>st</sup> October 2008.

2.0 BACKGROUND TO DEVELOPMENT CONTROL PERFORMANCE

2.1 As reported to Planning and Highways Committee in July 2007 Sunderland City Council is no longer a Standards Authority due to its significantly improved performance in relation to major applications within the 2006/2007 period.

2.2 As a result the Council is no longer required to set a trajectory for performance on major applications, to prepare and submit an improvement strategy or to report progress quarterly to the regional government office (GONE). However, under the code of practice contained at Annex A in Circular 28/83 Publication by Local Authorities of Information About The Handling of Planning Applications all Local Planning Authorities are asked to report to members at quarterly intervals the number of applications by category of development decided during the quarter, the number of applications on hand and not yet decided and a list of all applications over 13 weeks old and still awaiting a decision. The purpose of this report is to provide that information for quarters 1 and 2 of 2008/2009, i.e. April to June and July to September. Additional information is also provided on applications decided on an annualised basis.

2.3 Since April 2008 planning statistics are gathered using a new format with BVPI 109 replaced by NI 157. The revised indicator measures not only the performance of the service but also the continuing improvement. The performance figures are now accessed by the Audit Commission directly from quarterly statistical CLG PS2 returns. Performance against NI remains a key performance measure in the Comprehensive Area Assessment (CAA) framework.

3.0 SUMMARY OF DEVELOPMENT CONTROL PERFORMANCE

3.1 Performance in determining major, minor and other applications currently surpasses the levels set by NI 157 with 88.24% and 100% recorded for quarters 1 and 2 for major applications compared to the NI 157 target of 60% and 82% the locally set target. For minor applications the figures are 96.52% and 97.80% compared to the NI 157 target of 65% and 93% the locally set target. For other applications the figures are 97.00% and 99.29% for the same quarters compared

to the NI 157 target of 80% and 93% locally set target. These figures together with the monthly breakdown are show at Appendix 1

- 3.2 The annualised summary of performance forms Appendix 2 to this report and trajectories in respect of major, minor and other applications form Appendices 3 to 5. Note that the lines in these graphs relating to the future i.e. beyond the second quarter of 2008/09, do not show a predicted downturn in performance but show the extent to which our locally set targets (shown as goal on the graphs) have been exceeded.
- 3.3 The numbers of applications on hand and not yet decided at the end of the July to September quarter was 175. The list of all applications over 13 weeks old and still awaiting a decision forms Appendix 6 to this report.
- 4.0 THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (NO2) (ENGLAND) ORDER 2008
- 4.1 The Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 came into force on 1<sup>st</sup> October 2008. The amendment order contains the new householder permitted development rights at Part 1 of Schedule 2 and this is still divided into eight Classes of permitted development as follows.
- Class A Enlargement, improvement or alteration of a dwellinghouse.
  - Class B Enlargements consisting of addition/alteration to the roof.
  - Class C Other alterations to the roof
  - Class D Porches
  - Class E Separate building, enclosure, swimming or other pool and container for the storage of oil or LPG for domestic heating.
  - Class F Hard surfaces such as patio, driveways and hardstandings.
  - Class G Installation alteration or replacement of a chimney, flue or vent pipe.
  - Class H Installation, alteration or replacement of microwave antenna.
- 4.2 At the draft Order stage the Government suggested that the amended order would free up householders from the need to apply for planning permission for most extension works to houses. However, this has not been the case. The limitations and exclusions to permitted development rights have been altered rather than the rights being significantly extended. In addition formerly only Class H was subject to any conditions whereas classes A, B, C, F and H are now all conditional. Of particular significance is the change to permitted development for hard surfaces at the front of houses. These are now only permitted development if the area is not bigger than 5 square metres or if larger than 5 square metres it is made of a porous material or can drain to a permeable surface within the curtilage of the house. This is intended to limit the amount of surface water running into the highway drainage system to help prevent localised flooding.
- 4.3 In addition Article 1(5) land, where limitations and exclusions are tighter, which included National Parks, Areas of Outstanding Natural Beauty and conservation

areas, has been added to by the inclusion of World Heritage Sites. The details of the Amendment Order are at Appendix 7 to this report.

4.4 It should be noted that these permitted development rights apply only to dwellinghouses and not to apartments or flats, which have no permitted development rights under Part 1 of Schedule 2.

## 5.0 RECOMMENDATION

5.1 The Committee is recommended to note the contents of this report.

**APPENDIX 1 NI 157 MONTHLY AND QUARTERY SUMMARY**

<b>Major Q1-12</b>			<b>Targets (N) 60% (L) 82%</b>				
	total	<13weeks	as %				
Apr-08	6	5	83.33%				
May-08	8	7	87.50%				
Jun-08	3	3	100.00%	Q1.	17	15	88.24%
Jul-08	6	6	100.00%				
Aug-08	4	4	100.00%				
Sep-08	8	8	100.00%	Q2.	18	18	100.00%
				Total Year	35	33	94.29%

<b>Minor Q13-18</b>			<b>Targets (N) 65% (L) 93%</b>				
	total	< 8 weeks	as %				
Apr-08	46	45	97.83%				
May-08	53	52	98.11%				
Jun-08	16	14	87.50%	Q1.	115	111	96.52%
Jul-08	33	32	96.97%				
Aug-08	30	30	100.00%				
Sep-08	28	27	96.43%	Q2.	91	89	97.80%
				Total Year	206	200	97.09%

<b>Other Q19-27</b>			<b>Targets (N) 80% (L) 93%</b>				
	total	< 8 weeks	as %				
Apr-08	124	121	97.58%				
May-08	130	130	100.00%				
Jun-08	81	74	91.36%	Q1.	333	323	97.00%
Jul-08	96	96	100.00%				
Aug-08	83	81	97.59%				
Sep-08	103	103	100.00%	Q2.	282	280	99.29%
				Total Year	615	603	98.05%

**Appendix 2. Development Control - Annualised Performance.**

**Major**

**Minor**

**Other**

	Total	<13 weeks	
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	Total	<8 weeks	
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	Total	<8 weeks	
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Q3. 07/08 TOTAL	16	16	100%
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Q3. 07/08 TOTAL	117	113	96.58%
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Q3. 07/08 TOTAL	356	353	99.16%
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Q4. 07/08 TOTAL	21	21	100%
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Q4. 07/08 TOTAL	114	103	90.35%
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Q4. 07/08 TOTAL	252	249	98.81%
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Q1. 08/09 TOTAL	17	15	88.24%
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Q1. 08/09 TOTAL	115	111	96.52%
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Q1. 08/09 TOTAL	333	323	97.00%
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Q2. 08/09 TOTAL	18	18	100%
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Q2. 08/09 TOTAL	91	89	97.80%
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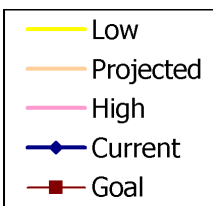
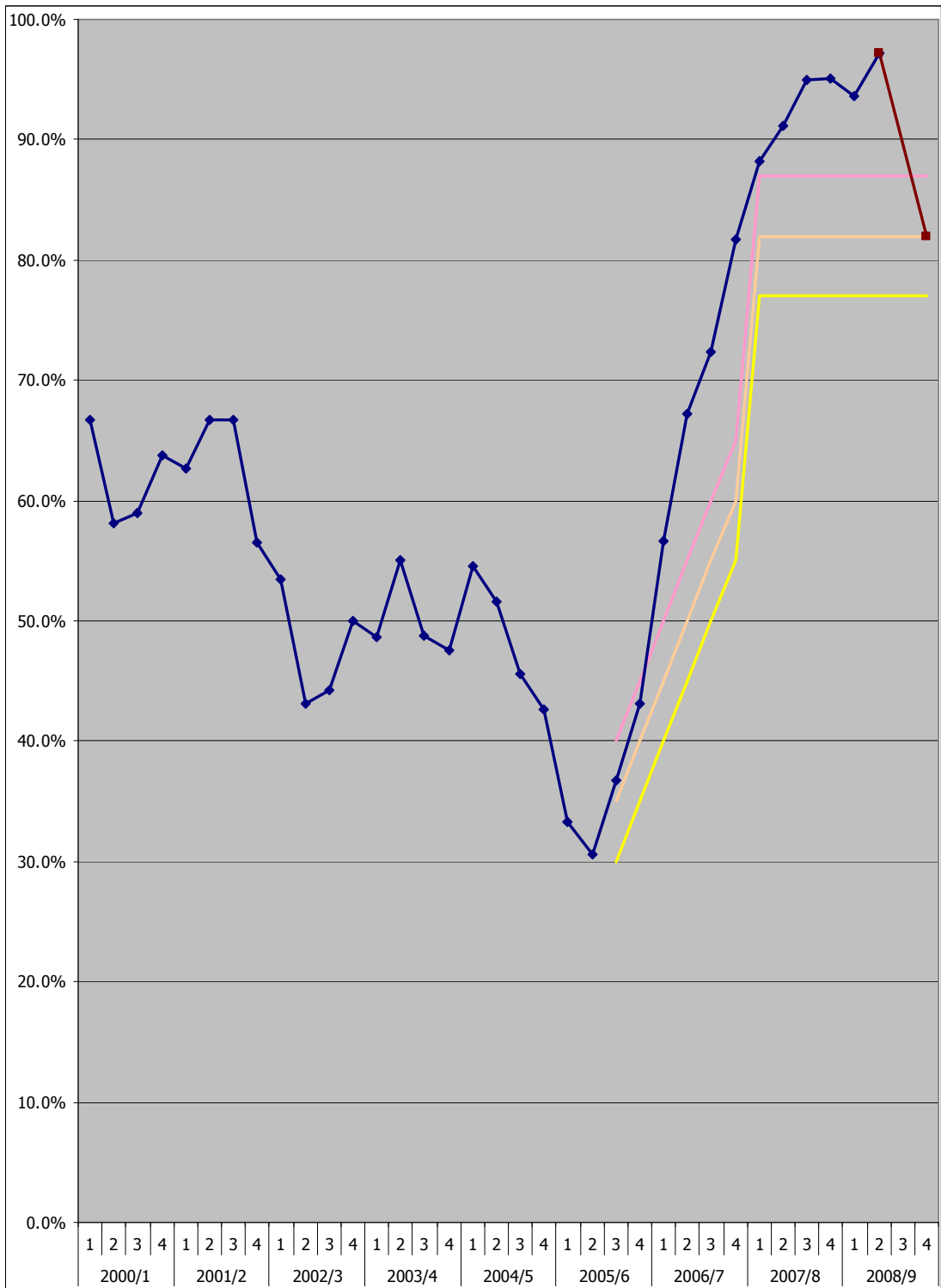
Q2. 08/09 TOTAL	282	280	99.29%
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Total	72	70	<b>97.22%</b>
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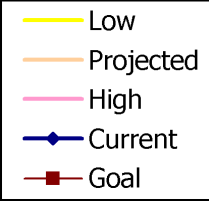
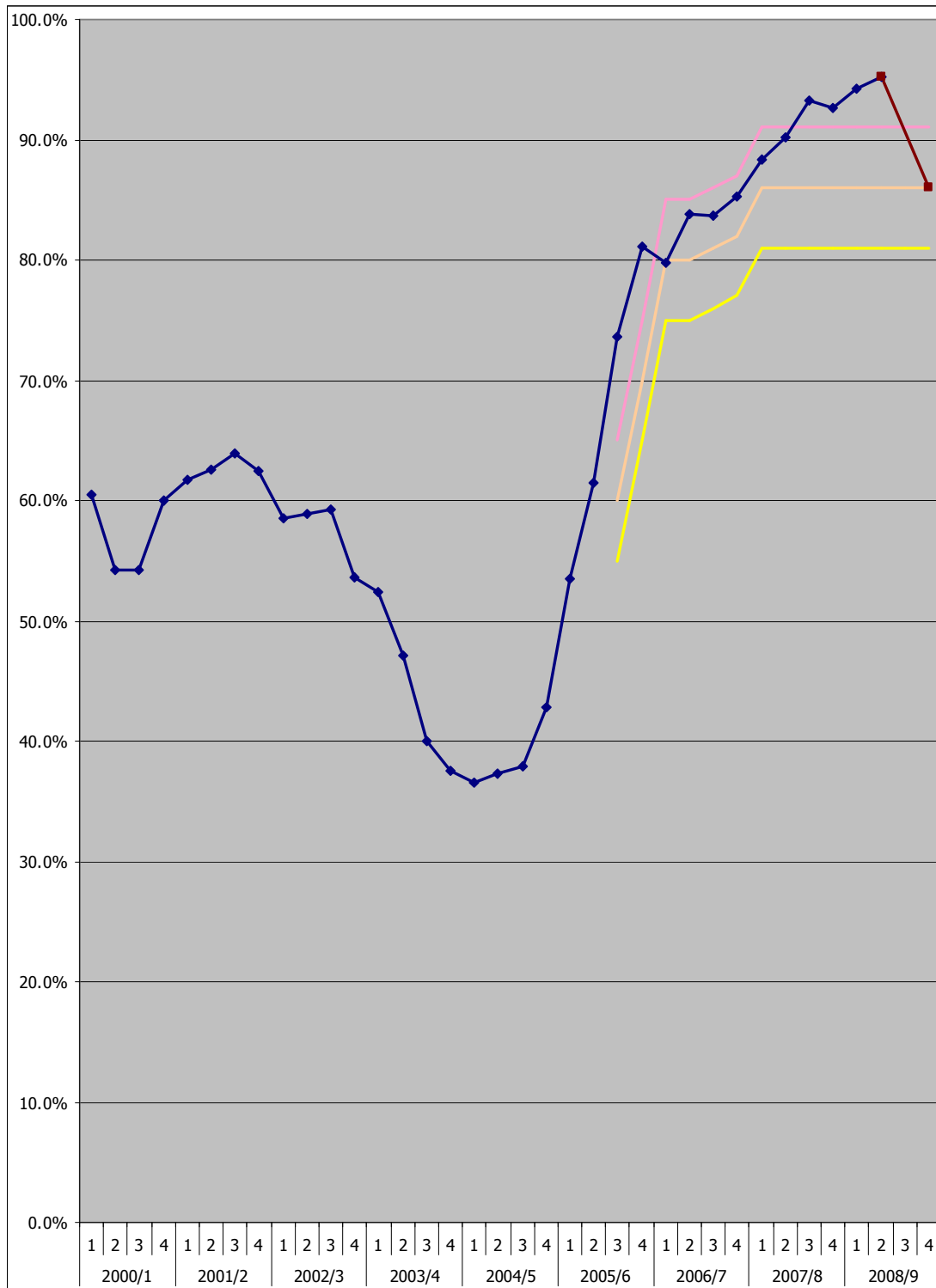
Total	437	416	<b>95.19%</b>
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Total	1223	1205	<b>98.53%</b>
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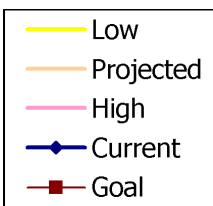
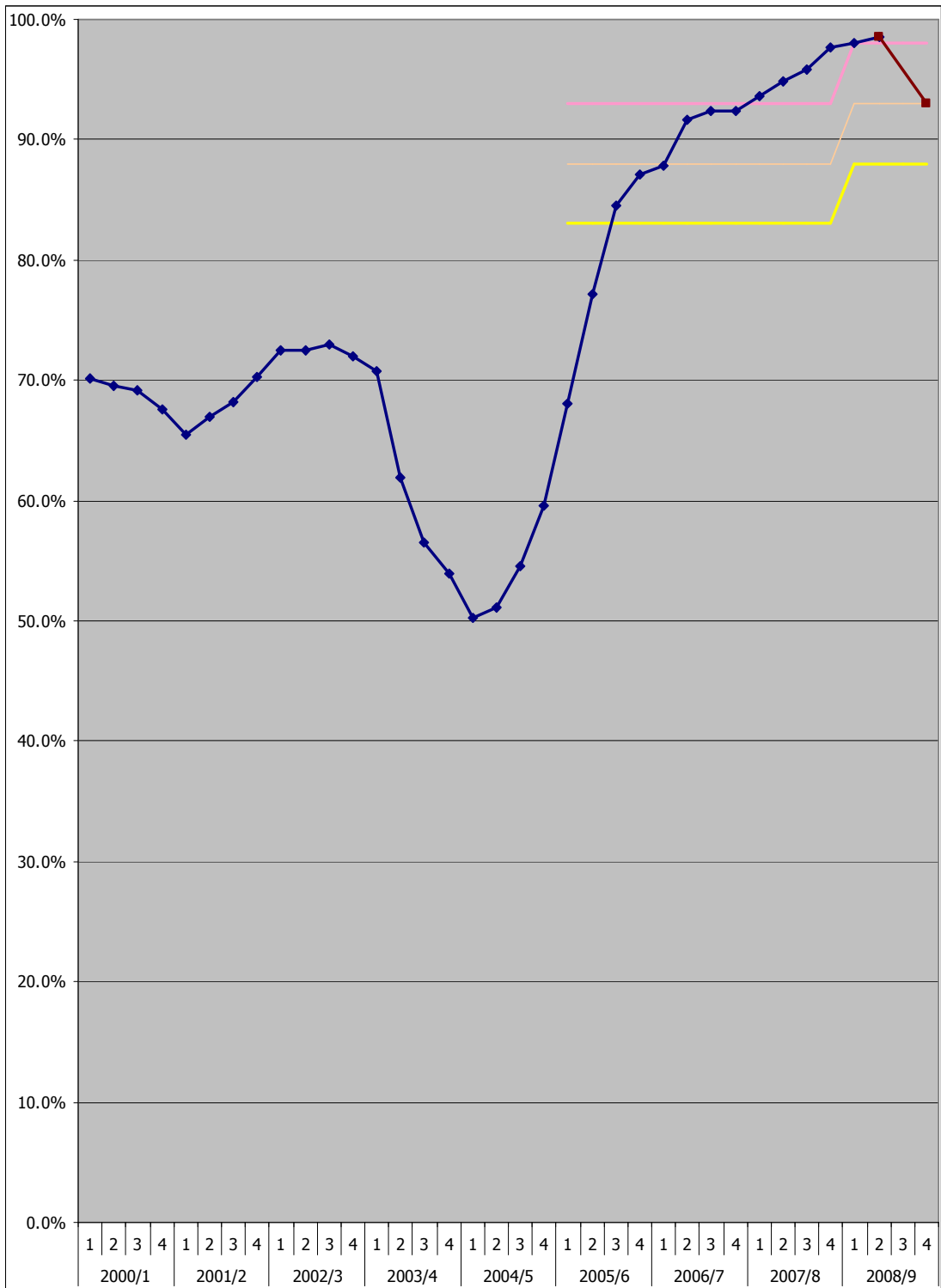
**Appendix 3  
NI 157 TRAJECTORY - MAJOR  
APPLICATIONS**



**Appendix 4**  
**NI 157 TRAJECTORY – MINOR**  
**APPLICATIONS**



**Appendix 5  
NI 157 TRAJECTORY – OTHER  
APPLICATIONS**





## APPENDIX 6 OUTSTANDING PLANNING APPLICATIONS OVER 13 WEEKS OLD AND STILL AWAITING A DECISION

### Major Outstanding Planning Applications

App No	Address	Proposal	Applicant Name	Date Valid	8WEEK Target	13WEEK Target
02/02119/LEG	Saint Peters Wharf Bonnersfield Sunderland.	Mixed use development in 6 blocks (4 full, 2 outline) comprising 247 loft apartments, 2578 m2 offices, 725 m2 class A3, 281car parking spaces, landscaping, means of access and stopping up of highways and footways. Amended scheme (7.11.03).	Akenside Quays Ltd.	28-Oct-02	23-Dec-02	Over time
04/01568/OUT	Sunderland Association Football Club Stadium Of Light Stadium Park Vaux Brewery Way Sunderland SR5 1YN	Erection of ten storey hotel incorporating two storey academy in existing parking area.	Sunderland Association Football Club	25-Jun-04	20-Aug-04	Over time
06/02209/FUL	Land At Murton Lane Easington Lane Houghton-Le-Spring	Hybrid planning application comprising: Outline application for residential development and neighbourhood park; full application for Phase 1 residential development on two parts of site.	England And Lyle	12-Jun-06	11-Sep-06	Over time
07/04411/FUL	Flodden Road Sunderland	Erection of 90 no. residential dwellings with associated works and stopping up of existing highway. ( AMENDED PLANS AND DESCRIPTION ).	Gladedale ( Sunderland ) Limited	22-Nov-07	17-Jan-08	Over time
08/01368/OUT	Saint Peter's Wharf Bonnerfield Sunderland Tyne & Wear SR6 0AA	Mixed Use Development comprising 273 no. C3 residential units, 350 no. C3 student accommodation/key worker spaces, 160 no. unit C1 hotel with ancillary A1, A2, A3 and A4 leisure and retail, ancillary B1 office space, car parking and landscaping and public	Akenside Metnor Ltd	1st April 08	27-May-08	Over time

## Minor Outstanding Planning Applications

App No	Address	Proposal	Applicant Name	Date Valid	8WEEK Target	13WEEK Target
06/01044/FUL	178 Roker Avenue Sunderland SR6 0HQ	Alteration to building to form shop unit, five flats and two number attic studio flats involving alterations to fenestration and shop front (AMENDED DESCRIPTION).	Mr R. Wooler	17-Mar-06	12-May-06	Over time
06/02899/FUL	Roker Hotel 9-13 Roker Terrace Sunderland SR6 9ND	Increase in height of second floor to include raising roof line of main building and rear offshoot, to include 11 no. dormer windows to front. (14 no. additional bedrooms in roof space). (Amended plans received 01.09.08 )	Durham Estates Ltd	20-Jul-06	14-Sep-06	Over time

**APPENDIX 7 TOWN AND COUNTRY PLANNING (GENERAL PERMITTED  
DEVELOPMENT ) (AMENDMENT ORDER) (NO.2) (ENGLAND) ORDER  
2008**

**SCHEDULE**

**PART 1**

**DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE**

**Class A**

**Permitted development**

**A.** The enlargement, improvement or other alteration of a dwellinghouse.

**Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (d) the enlarged part of the dwellinghouse would extend beyond a wall which—
  - (i) fronts a highway, and
  - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- (e) the enlarged part of the dwellinghouse would have a single storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
  - (ii) exceed 4 metres in height;
- (f) the enlarged part of the dwellinghouse would have more than one storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
  - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
- (g) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- (h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
  - (i) exceed 4 metres in height,

- (ii) have more than one storey, or
- (ii) have a width greater than half the width of the original dwellinghouse;  
or
- (i) it would consist of or include—
  - (i) the construction or provision of a veranda, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a microwave antenna,
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (iv) an alteration to any part of the roof of the dwellinghouse.

**A.2** In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

### **Conditions**

**A.3** Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

## **Class B**

### **Permitted development**

**B.** The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
  - (i) 40 cubic metres in the case of a terrace house, or
  - (ii) 50 cubic metres in any other case;
- (d) it would consist of or include—
  - (i) the construction or provision of a veranda, balcony or raised platform, or
  - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (e) the dwellinghouse is on article 1(5) land.

### **Conditions**

**B.2** Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

### **Interpretation of Class B**

**B.3** For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

## **Class C**

### **Permitted development**

**C.** Any other alteration to the roof of a dwellinghouse.

### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- (c) it would consist of or include—
  - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

## **Conditions**

**C.2** Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

## **Class D**

### **Permitted development**

**D.** The erection or construction of a porch outside any external door of a dwellinghouse.

### **Development not permitted**

**D.1** Development is not permitted by Class D if—

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;
- (b) any part of the structure would be more than 3 metres above ground level; or
- (c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

## **Class E**

### **Permitted development**

**E.** The provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

### **Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (c) the building would have more than one storey;
- (d) the height of the building, enclosure or container would exceed—
  - (i) 4 metres in the case of a building with a dual-pitched roof,

- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
- (iii) 3 metres in any other case;
- (e) the height of the eaves of the building would exceed 2.5 metres;
- (f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (g) it would include the construction or provision of a veranda, balcony or raised platform;
- (h) it relates to a dwelling or a microwave antenna; or
- (i) the capacity of the container would exceed 3,500 litres.

**E.2** In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) a World Heritage Site,
- (b) a National Park,
- (c) an area of outstanding natural beauty, or
- (d) the Broads,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

**E.3** In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

### **Interpretation of Class E**

**E.4** For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

## **Class F**

### **Permitted development**

**F.** Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

### **Conditions**

**F.1** Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

## **Class G**

### **Permitted development**

**G.** The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

### **Development not permitted**

**G.1** Development is not permitted by Class G if—

- (a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
- (b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—
  - (i) fronts a highway, and
  - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

## **Class H**

### **Permitted development**

**H.** The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

### **Development not permitted**

**H.1** Development is not permitted by Class H if—

- (a) it would result in the presence on the dwellinghouse or within its curtilage of—
  - (i) more than two antennas;
  - (ii) a single antenna exceeding 100 centimetres in length;
  - (iii) two antennas which do not meet the relevant size criteria;
  - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
  - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney; or
  - (vi) an antenna with a cubic capacity in excess of 35 litres;
- (b) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
- (c) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower; or
- (d) in the case of article 1(5) land, it would consist of the installation of an antenna—



- (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
- (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or
- (iii) on a building which exceeds 15 metres in height.

### **Conditions**

**H.2** Development is permitted by Class H subject to the following conditions—

- (a) an antenna installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building; and
- (b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.

### **Interpretation of Class H**

**H.3** The relevant size criteria for the purposes of paragraph H.1(a)(iii) are that:

- (a) only one of the antennas may exceed 60 centimetres in length; and
- (b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

**H.4** The length of the antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.

### **Interpretation of Part 1**

**I.** For the purposes of Part 1—

“raised” in relation to a platform means a platform with a height greater than 300 millimetres; and

“terrace house” means a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as single dwellings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or
- (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of sub-paragraph (a).”