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Post Performance Review Sub-Committee Report

Performance Report
1st July 2020 – 31st January 2021

Prepared 12th April 2021

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Introduction

The Planning Performance Review Sub-Committee is appointed by the Planning Committee each year to consider and report back on an annual basis a random sample of delegated planning decisions and examine/evaluate a number of them to assess whether relevant planning policies and criteria were applied in each case. In addition to this, the Planning Performance Review Sub-Committee will review planning appeal performance and have scrutiny of overturned decisions.

As part of the review process the Chair and Deputy Chair of Planning Committee randomly selected 20 planning applications, received between 1 July 2020 and 31st January 2021. This sample date was chosen to establish an accurate benchmark of performance having regard to the new team, new software and new ways of working.

To add context to this sample, an overview of all decisions taken within the period 1 July 2020 and 31st January 2021 is provided below.

Overview of Performance (1 July 2020 to 31st January 2021)

Major Development Decisions

100% (18 out of 18) of all 'major' applications determined 'within time' 1 July 2020 to 31st January 2021.

Performance for this period extrapolated against MHCLG performance figures would place LB Barking & Dagenham joint **1st nationally** when compared against all 342 Local Planning Authorities and joint **1st in London** when compared against all 32 London Planning Authorities.

The number of major developments determined (33) within the past 12 months (Jan 2020 – December 2020) more than doubled the amount determined (16) within the previous 12-month period (Jan 2019 – December 2019)

Non-Major Development Performance

96% (582 out of 607) of all 'non-major' applications determined 'within time' 1 July 2020 to 31st January 2021.

Performance for this period extrapolated against MHCLG performance figures would place LB Barking & Dagenham **54th nationally** when compared against all 342 Local Planning Authorities and **3rd in London** when compared against all 32 London Planning Authorities.

It is important to note that through the period 1 July 2020 to 31st January 2021 over 400 'backlog' cases (those which had already exceeded their determination times from 2019) were also progressed and determined.

Certificates of Lawful Development Performance

99.7% (286 out of 287) of all 'certificates of lawful development' applications determined 'within time' 1 July 2020 to 31st January 2021.

There are no national benchmark indicators for the timely determination of certificates of lawful development but there is a KPI set by LBBDD to Be first that 80% of all decisions should be within time.

Prior Notifications Performance

100% (341 out of 341) of all 'non-major' applications determined 'within time' 1 July 2020 to 31st January 2021.

There are no national benchmark indicators for the timely determination of prior notifications but where decisions are not made within time 'deemed consent' is granted for most prior notification types.

Understanding Key National Performance Indicators

Each quarter, MHCLG publish performance league tables for all 342 Local Authorities in England. This data is used to determine the overall performance of each Local Planning Authority for its timely determination of planning applications, and where minimum thresholds are not met, the Local Planning Authority can lose its decision-making powers and be placed into 'serious weaknesses'. All league tables are based on the average performance of the local planning authority for the preceding 24-month period.

There are two key tables:

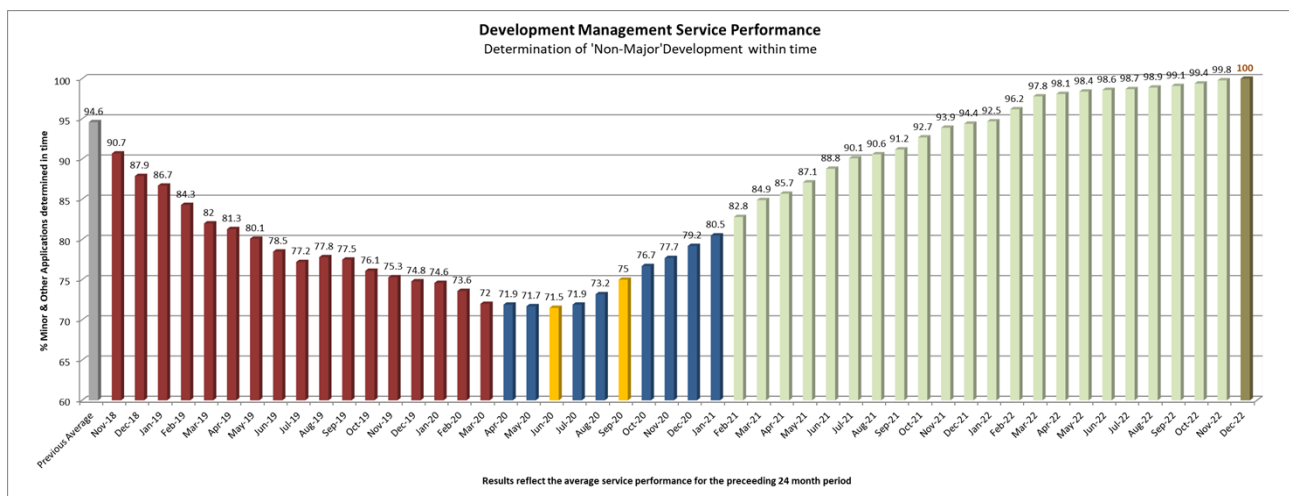
Table 151 which relates to the determination of 'Major' developments, and

Table 153 which relates to the determination of 'Non-major' developments.

There is an expectation that 100% of all major planning applications will be determined 'within time'. This means either within 13/16 weeks (the statutory deadlines) or any extended agreement made between the Applicant and the Local Planning Authority. Whilst useful this table is not a good indicator of overall performance and is heavily skewed by smaller authorities who may only determine 2-5 major applications per year.

Table 153 however provided performance data on the timely determination of non-major developments. This means either 8 weeks (the statutory deadline) or any extended agreement made between the Applicant and the Local Planning Authority. This table does provide a useful indicator (albeit there is some skewing of data) of the overall performance of a planning service.

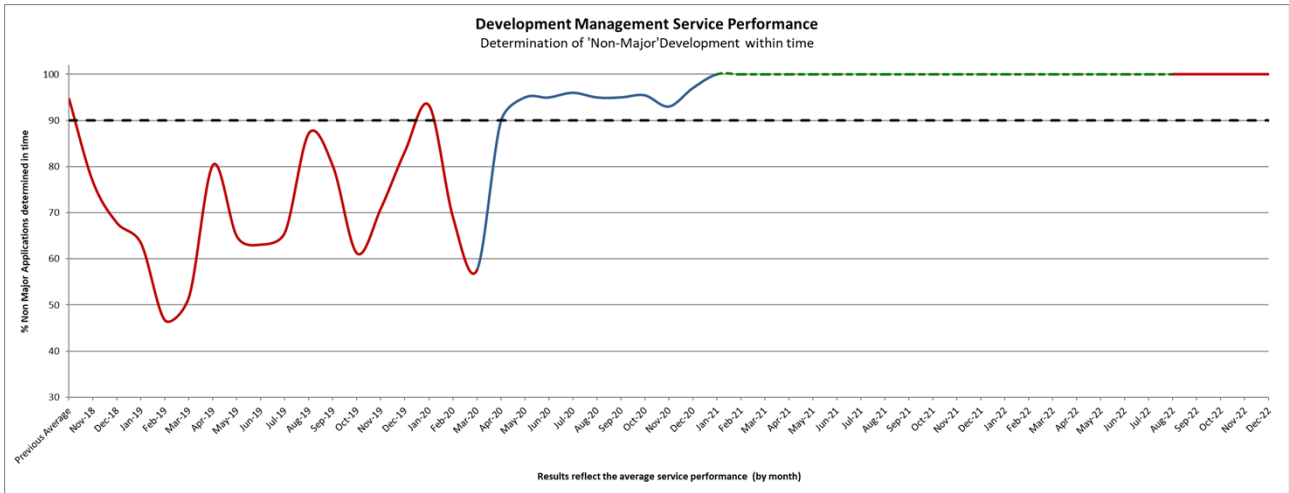
The graph below represents Development Management service performance for the determination of 'Non-Major' applications in accordance with MHCLG reporting criteria. Each bar below represents the cumulative average performance of the previous 24 months. (e.g. 'Oct 20' below returns data for Nov 2018 - Oct 2020)



- The bars above in red represent historic performance of the team until the end of Q4 2019-2020.
- The bar in yellow represents the performance of the team published by MHCLG.
- (to note that MHCLG performance data always runs 3 months behind and is published quarterly)
- The bars in blue represent confirmed performance based on monthly performance data.
- The bars in green represent a 'best-case' projection for future improvements in performance

The above 'best case' projections are based on the determination of an average number (based on numbers from the previous year) of applications at 100% in time for each future month. Competition at the top of the table is tight and to get into the top 10 nationally performance would need to be maintained at 100% in time for a continual period of 24 months.

The graph on the following page shows the timely determinations of non-major applications by the team on a month-by-month basis. The red, blue and green colours align with those in the previous graph.

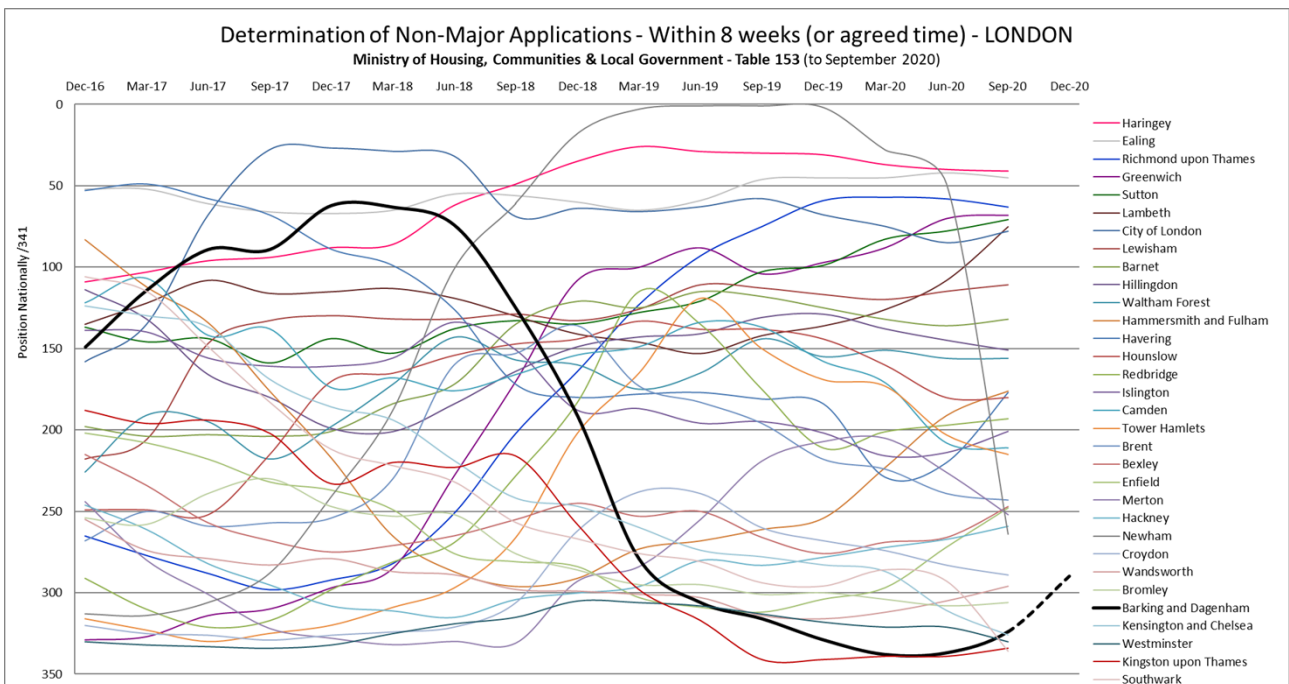


The above graph shows that since April 2020 over 90% of all non-major decisions issued each month have been issued within time. All new applications were determined within time, but it has taken the team 7 months to clear through over 400 backlog cases and some of these had to be issued out of time.

The entire backlog of applications was cleared prior to Christmas 2020 and our performance figures for January 2021 were 100% on all indicators. This places us joint **1st nationally** and a clear **1st in London**.

London wide comparison on MHCLG data

Positions and trends by each Local Authority within London (by quarter since December 2016 to September 2020) is shown below. Performance at LB Barking and Dagenham (black line) is now on a significant upturn.



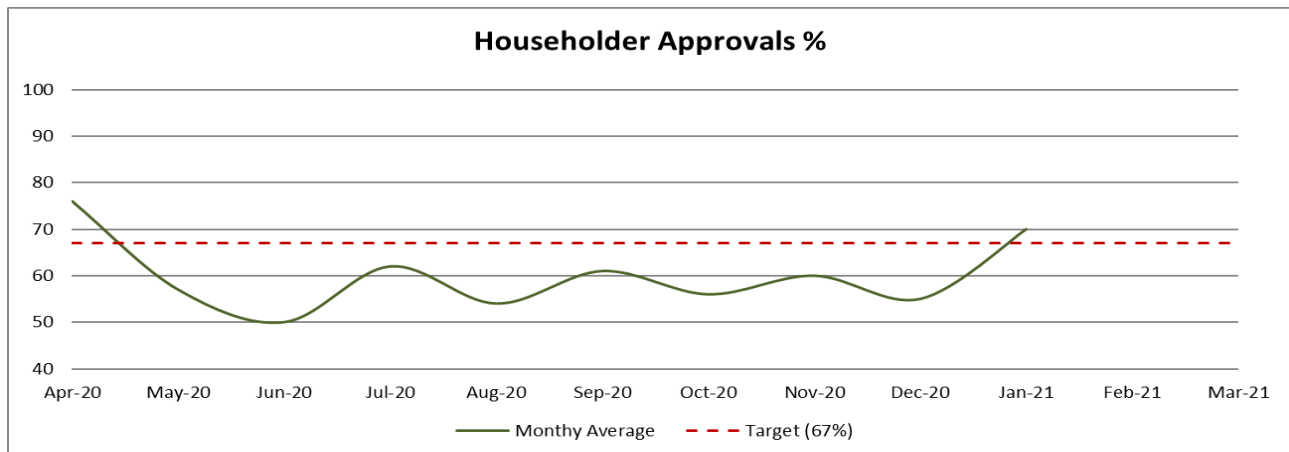
The performance figures for December 2020 are not published until late March 2021 but the dotted line represents the performance returns for Q3 2020-2021 which Be First on behalf of LBBDD have returned.

Summary of Decisions Taken (1st July 2020 to 31st January 2021)

<i>Application Type</i>	<i>% Approved Lawful Prior Approval Not Required Prior Approval Granted</i>	<i>% Refused Not Lawful Prior Approval Refused No Decision Taken</i>
Major Developments	100% (18 out of 18)	0% (0 out of 0)
Householder – HSE <i>(further detail below)</i>	59% (233 out of 396)	41% (163 out of 396)
All other 'FULL' planning applications	41% (91 out of 220)	59% (129 out of 220)
Certificates – CLUP/E	83% (238 out of 288)	17% (50 out of 288)
Prior approval for larger home extensions - PRIEXT	74% (214 out of 288)	26% (74 out of 288)
Prior approval for telecoms - PRICOM	53% (16 out of 30)	47% (14 out of 30)
Advertisements - ADVERT	100% (7 out of 7)	0% (0 out of 0)
Approval of Details - AOD	95% (104 out of 109)	5% (5 out of 109)
Works to Protected Trees - TPO	91% (10 out of 11)	9% (1 out of 11)

Householder Application breakdown

Through the period 1 July 2020 to 31st January 2021 only 59% of Householder applications have been approved. This is significantly lower than neighbouring authorities and presents a higher number of appeals being made. Larger housing typologies within the borough (e.g larger plots and gardens, Becontree) result in the receipt of some very inappropriate schemes which have no planning merit. On receipt only circa 40% of applications could be approved and it takes significant officer resource through seeking revised plans to increase the number of approvals. I have set officers the target of 67% approvals moving forwards.



Shortlist of 20 decisions selected by the Sub-Committee for review

The following table provides a key summary of the 20 randomly selected applications determined within the period of 1 July 2020 to 31st January 2021 out of a total of 1439 decisions issued. The applications are listed in date order of the date of the decision being issued. The Sub-Committee were asked to select between 5 and 10 of the reports below for a further detailed review and the outcomes of this are summarised on the following pages and reported back to the Planning Committee following this review.

App. Ref:	Address:	Decision:	Within Statutory period?	Within time agreed?
17/00826/CDN	Wellgate Farm Housing Dev.	Approved	No	Yes - Backlog
18/02051/FUL	30 Thames Road	Refused	No	No – Backlog
19/01105/FUL	117 Victoria Road	Approved	No	Yes - Backlog
19/01910/FUL	171 Dagenham Road	Refused	No	No – Backlog
20/00272/FUL	4 Dronfield Gardens	Approved	No	Yes - Backlog
20/01063/CLUP	482 Lodge Avenue	Lawful	Yes	n/a
20/01149/PRIEXT	253 Grafton Road	Refused	Yes	n/a
20/01241/PRIEXT	202 Hedgemans Road	Approved	Yes	n/a
20/01358/HSE	16 Fourth Avenue	Approved	Yes	n/a
20/01483/PRIEXT	12 Nutbrowne Road	Approved	Yes	n/a
20/01586/PRICOM	Rainham Road North	Refused	Yes	n/a
20/01639/HSE	103 Bentry Road	Approved	Yes	n/a
20/01774/AOD	Job Centre, Chequers Lane	Approved	Yes	n/a
20/01914/PRIEXT	30 Sterry Gardens	Approved	Yes	n/a
20/02023/PRIADC	11 Dowletts Road	Refused	Yes	n/a
20/02158/CLUP	21 Beresford Gardens	Lawful	Yes	n/a
20/02282/NONMAT	217 Padnall Road	Approved	Yes	n/a
20/02453/FULL	70 Stamford Road	Approved	Yes	n/a
20/02496/HSE	16 St Georges Road	Approved	Yes	n/a
21/00106/COM	Enterprise House Curzon Cres.	Lawful	n/a	n/a

Further Detailed Review

The Sub-Committee received a bundle of all 20 shortlisted applications for review and provided for each application a copy of:

- Overview title page
- Key Drawings
- Officer Delegated Report
- Decision Notice

The following tables record a summary of the performance and quality indicators for 5 applications which the Sub-Committee considered in further detail, along with a summary of the matters reviewed on each application.

App. Ref:	19/01105/FUL	Date Received:	27 th June 2019		
App. Address:	117 Victoria Road	Date Determined:	19 th August 2020		
Proposal:	Removal of existing pitched roof, construction of new second floor mansard roof extension, and erection of single storey, first, and second floor rear extensions to create a 9-bedroom house in multiple occupation (HMO).				
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
60	YES - EOT	YES	YES	YES	YES

Summary of Quality & Comments of the Sub-Committee:

- The application formed part of the historical backlog of 'out of time' applications on review in April 2020. This was one of three application by the same planning agent that were progressed as part of the work undertaken to clear the backlog.
- Upon engaging with the planning agent and apologising for the delay to date, Officers were able to seek significant enhancements to the proposal from the applicant and were able to positively progress these changes and grant approval for planning permissions for this proposal.
- Members sought to understand the reason for the substantive part of the delay until March 2020 which resulted from staff changes and the perceived complexity of the proposal.
- Whilst the time taken to consider the application fell well below the standards we now set ourselves, the quality of the decision taken and the comprehensiveness of the planning file are both excellent.

Continued on next page

App. Ref:	19/01910/FUL		Date Received:	18 th December 2019	
App. Address:	171 Dagenham Road		Date Determined:	20 th October 2020	
Proposal:	Erection of a roof shade outside patio door in the garden for disabled person.				
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
45	NO	YES	YES	YES	YES

Summary of Quality & Comments of the Sub-Committee:

- The application formed part of the historical backlog of 'out of time' applications on review in April 2020. Officers explained to the committee that it was regrettable that a small application such as this had not been determined quicker and such a delay is no longer a feature of the planning service post April 2020 where all such applications have been determined within time.
- Committee members questioned what weight officers had apportioned to the need for this roof shade by a disabled resident. It was explained that the proposal presented very poor-quality development that would have compromised neighbouring amenity and did not serve to benefit a disabled occupant given it did not offer level access to the external shade area or any subsequent step free access to the garden.
- Upon review of the planning file members were satisfied that the correct decision had been reached and the officer report was sufficiently robust as to why the application was refused. Members noted that an appeal against this decision is ongoing.

App. Ref:	20/01149/PRIEXT		Date Received:	7 th June 2020	
App. Address:	253 Grafton Road		Date Determined:	16 th July 2020	
Proposal:	Prior notification application for the construction of a single storey rear extension. The proposed extension will extend beyond the rear wall by 6.00 metres. The maximum height of the proposed extension from the natural ground level is 3.00 metres. The height at eaves level of the proposed extension measured from the natural ground level is 3.00 metres.				
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
6	YES	YES	YES	YES	YES

Summary of Quality & Comments of the Sub-Committee:

- Members reviewed this prior notification for a larger home extension. Members sought clarification on the approach, the scope of the application and to understand if all neighbour consultations had been correctly undertaken.
- In reviewing the file, it was clear that all adjoining neighbours had been written to and consulted on the application. Following this consultation it was clear that an immediate neighbour had raised an objection and this then required a formal assessment of the impact to neighbouring amenity. It was as a result of being un-neighbourly that prior approval was deemed to be required and refused.

App. Ref:	20/01586/PRICOM		Date Received:	4 th August 2020	
App. Address:	Rainham Road North		Date Determined:	18 th September 2020	
Proposal:	Application for prior approval telecommunication: Proposed 18m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.				
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
7	YES	YES	YES	YES	YES

Summary of Quality & Comments of the Sub-Committee:

- Members reviewed this prior notification for a telecommunications mast and associated cabinets.. Members sought clarification on the approach, the scope of the application and to understand if all neighbour consultations had been correctly undertaken/considered.
- Officers confirmed that 81 neighbours were consulted as part of this notification application with 13 responses of objection being received (including one from the ward member and the MP)
- Officers carefully considered the concerns raised by residents against the very narrow considerations within a prior approval notification. Whilst many of the concerns cited were not material, officers found on balance the proposal unacceptable due to its siting and appearance.
- Accordingly, prior approval was deemed to be required and refused.
- A review of the planning file correctly contained a copy of all objections, a copy of all submitted documents, email responses and the officer report/decision notice.

App. Ref:	20/02023/PRIADC		Date Received:	13 th October 2020	
App. Address:	11 Dowletts Road		Date Determined:	7 th December 2020	
Proposal:	Prior notification application for the construction of new dwellinghouses on terrace buildings in use as dwellinghouses. The proposed development will create 1 new dwellinghouse and the proposed maximum height of the terraced building from the natural ground will be 12.2m.				
Time Taken (weeks)	Within statutory period or agreed time?	Correct planning history noted?	Correct policies applied?	Officer report published to file?	Decision notice published to file?
8	YES	YES	YES	YES	YES

Summary of Quality & Comments of the Sub-Committee:

- Members reviewed this prior notification for the construction of new dwellinghouses on terrace buildings. Members sought clarification on the approach, the scope of the application and to understand if all neighbour consultations had been correctly undertaken/considered.
- In reviewing the proposed drawings members found that the officer assessment on design and the decision to refuse the prior notification application to be correct against the policies against which it was assessed.

Overview of Appeals (1 July 2020 to 31st January 2021)

The number of appeals made and received in a period do not directly reflect the decisions taken within the relevant period. As a result of the pandemic and delays at the planning inspectorate, all appeal decisions received in the period 1 July 2020 to 31st January 2021 were not determined in this period. Some decisions received related to planning decisions taken in 2019.

Likewise, new appeals made do not directly reflect the decisions taken within the relevant period as an applicant has a period of 6 months to make their appeal following receipt of a decision.

New Appeals Received

The following table provides a breakdown of all new appeals made through the period 1 July 2020 to 31st January 2021

<i>Appeal Type</i>	<i>Total Number Received</i>	<i>Appeal format</i>
Refusal of Permission	66	41 – Written representations 25 – Householder
Non-determination	3	3 – Written representations
Conditions	1	1 – Written representations
Enforcement	8	Format not recorded

None of the above appeals received have yet been determined by the Planning Inspectorate. Current delays have extended the Householder 'fast-track' determination period of 12 weeks to over 20 weeks. Further, written representation appeals are now considerably over 26 weeks between an appeal being made and a decision received.

Whilst decisions issued in the period 1 July 2020 to 31st January 2021 are not a direct indicator of the number of appeals received, they do provide a useful benchmark for comparison.

Relevant applications refused: **292** (163 HSE + 129 FULL)

Number of appeals received: **70** (25 HSE + 43 FULL + (1 ADVERT, 1 PRIEXT))

Providing an indicative extrapolation of data, the above demonstrated that 24% of current refusals are being appealed. Whilst 38/129 'FULL' decisions related to conversions of family homes to flats or HMO's, the overall level of appeals received are extremely high and places a significant burden on the Planning Team.

This is in part due to having to place some reliance on an outdated local plan whilst the new plan continues to emerge and an outdated Householder Supplementary Planning Document. Both documents have in parts been surpassed by relaxations in permitted development. However, the high number of refusals is substantially as a result of the number of exceptionally poor-quality planning applications the Council receives.

Planning Appeals Determined

The following table provides a breakdown of the planning appeal decisions received through the period 1 July 2020 to 31st January 2021. The national average for England is 66% appeals dismissed, whilst London is 61%. This summary does not include appeal decisions received on Enforcement cases as these are not monitored by Be First.

<i>Total Decisions Received</i>	<i>Decisions Dismissed</i>	<i>Decisions Allowed</i>
34	71% (24 out of 34)	29% (10 out of 34)

A summary of all 10 'allowed' appeals is provide on the following pages.

Summary of each Allowed Planning Appeal

A copy of all Planning Inspectorate planning appeal decisions (in full print form) was provided to the sub-committee for review. A summary of each is provided below.

Appeal Ref:	APP/Z5060/D/19/3241932	Planning App Ref:	19/01254/FUL
Appeal Address:	40 Julia Gardens	Planning App (decision date)	24th June 2019
Proposal:	The erection of an ancillary granny annexe		
<p>In allowing the above appeal, the Inspector found the proposed 'ancillary granny annexe' at 40 Julia Gardens to accord with the development plan. The Inspector held that the lack of self-contained facilities and its proximity to the main house provided satisfaction that the annex would and could only be used as ancillary accommodation to the main dwelling. The inspector found no harm to neighbouring amenity.</p> <p><i>The Local Planning Authority note the decision but politely find on balance against the Inspector.</i></p>			

Appeal Ref:	APP/Z5060/W/20/3247697	Planning App Ref:	19/01534/FUL
Appeal Address:	114 Arnold Road	Planning App (decision date)	3 February 2020
Proposal:	Construction of two-bedroom end-of-terrace house		
<p>In allowing this appeal within the Becontree estate, the planning inspector found on balance that the proposed development would not appear uncharacteristic or notably at odds with the pattern of development in general.</p> <p><i>The position is noted and has been considered in the alternative on subsequent and more recent proposals.</i></p>			

Appeal Ref:	APP/Z5060/H/20/3246667	Planning App Ref:	19/01808/ADV
Appeal Address:	Land immediately south of 678 Rainham Road South	Planning App (decision date)	7 February 2020
Proposal:	<i>Appeal against the imposition of a condition – Advert Appeal</i>		
<p>In allowing this appeal against the imposition of a planning condition requiring the removal of the advert at the end of the permitted 5-year period, the Inspector found the condition unnecessary and unjustified by the officer in the report. We sought to justify at appeal, but the Inspector politely reminded the LPA it can't add such justification only at the appeal stage.</p> <p><i>Decisions of this quality are no longer representative of Be First delegated reports.</i></p>			

Appeal Ref:	APP/Z5060/D/20/3245035	Planning App Ref:	19/01355/FUL
Appeal Address:	67 Oval Road North	Planning App (decision date)	15 August 2019
Proposal:	Two storey side extension with matching hipped roof		
<p>In allowing this appeal, the Inspector could find no reason not to approve the decision.</p>			

Decisions of this quality are no longer representative of Be First delegated reports.

Appeal Ref:	APP/Z5060/D/19/3243586	Planning App Ref:	19/01392/FUL
Appeal Address:	328 Goresbrook Road	Planning App (decision date)	18 November 2019
Proposal:	Resubmission – proposed double storey side extension		
<p>In allowing the appeal the Inspector found that the reason for refusal did not substantiate grounds for refusal given that the Officer assessment had not engaged with the pattern of development within the locality. This is very much an on-balance decision which could have been strengthened with a tighter report and reason for refusal. Notwithstanding the decision was only refused against local policies.</p> <p><i>Overall disappointing but we are working hard to narrow reasons for refusal and for elements of harm to be clearly articulated within officer reports.</i></p>			

Appeal Ref:	APP/Z5060/D/20/3254596	Planning App Ref:	20/00336/FUL
Appeal Address:	194 Downing Road	Planning App (decision date)	1 May 2020
Proposal:	Dormer Loft conversion		
<p>In allowing this appeal within the Becontree estate the planning inspector found the Councils position to be incorrect. I have reviewed the decision and the Councils position is not incorrect, but our descriptive reasoning could have been a little clearer. The inspector here has apportioned clear weight to the fact that the development had already been constructed.</p> <p><i>A generally poor decision but one which we can take a learning point away from noting enforcement history.</i></p>			

Appeal Ref:	APP/Z5060/D/20/3252112	Planning App Ref:	20/00066/FUL
Appeal Address:	131 Third Avenue	Planning App (decision date)	12 March 2020
Proposal:	Erection of part single/part two storey rear extension		
<p>In allowing this appeal the Inspector found that whilst the 6.8m deep proposed ground floor extension conflicted with the Councils adopted SPG, they found that it would present itself as subservient to the dwelling and would not prejudice the amenity of immediate neighbours. The reasons for refusal here did not tie tightly to the delegated report and have allowed the planning inspector too much latitude in their consideration.</p> <p><i>Notwithstanding, this is a significant extension and the position on neighbourliness from an extension of such a size is a firm line set by LBBd.</i></p>			

Appeal Ref:	APP/Z5060/X/19/3243122	Planning App Ref:	19/01417/CLU_E
Appeal Address:	104 Glenny Road	Planning App (decision date)	18 November 2019
Proposal:	Amendment of house into 2 separate self-contained flats.		
<p>The Council's reason for refusing to grant an LDC referred to whether "the outbuilding" had been in use as a self-contained flat for at least 4 years. However, nothing described in the appellant's evidence or on drawing 455/01 showed an outbuilding, the LDC was sought in respect of 2 self-contained flats within the main building'</p> <p><i>In short, the officer report and decision notice were critically flawed, and the inspector considered the application on the facts before them. There is little ambiguity in the evidence given very little was submitted but the Council had nothing to counter and took a decision contrary to Planning Practice Guidance). A poor decision on the part of LBB/Be First here including a subsequently issued enforcement notice which remains extant but needs closing off.</i></p>			

Appeal Ref:	APP/Z5060/D/20/3251417	Planning App Ref:	20/00185/FUL
Appeal Address:	39 Greatfields Road	Planning App (decision date)	31 March 2020
Proposal:	First Floor Rear Extension		
<p>In allowing this appeal the planning inspector considered the application solely on its merit and had no regard to the previous inspectorate dismissal at the same site for the previous larger scheme. Officers apportioned weight to the findings of harm of the previous inspector decision as would be entirely correct. However the inspector is within their rights to consider this solely on the merits of the current proposal and found the reductions to be acceptable, whilst noting no other properties within the locality have such extensions.</p> <p><i>A disappointing decision</i></p>			

Appeal Ref:	APP/Z5060/W/20/3258276	Planning App Ref:	19/01336/FUL
Appeal Address:	60 Arden Crescent	Planning App (decision date)	15 June 2020
Proposal:	Fitting of 4 CCTV cameras recording property grounds		
<p>In allowing this appeal the planning inspector considered the application in their view met an acceptable balance between the need for security against an appearance of an unsafe neighbourhood. The Inspector also found that despite neighbour concerns, the proposal would not have a materially harmful effect on the living conditions of the occupiers of neighbouring dwellings with particular reference to privacy.</p> <p><i>This refusal sets no precedent and in this case was safer for the Council to have been granted on appeal.</i></p>			