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Working in partnership with



Performance Review Sub-Committee Report

Performance Report
1st April 2023 – 31st March 2024

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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. A number of these cases are then selected for examination/evaluation 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 of Planning Committee has randomly selected 10 planning applications determined and 10 appeals decided between 1 April 2023 and 31st March 2024. To add context to this sample, an overview of all decisions taken within the period 1 April 2022 and 31st March 2024 is provided below.

PART 1: DLUHC PERFORMANCE DATA

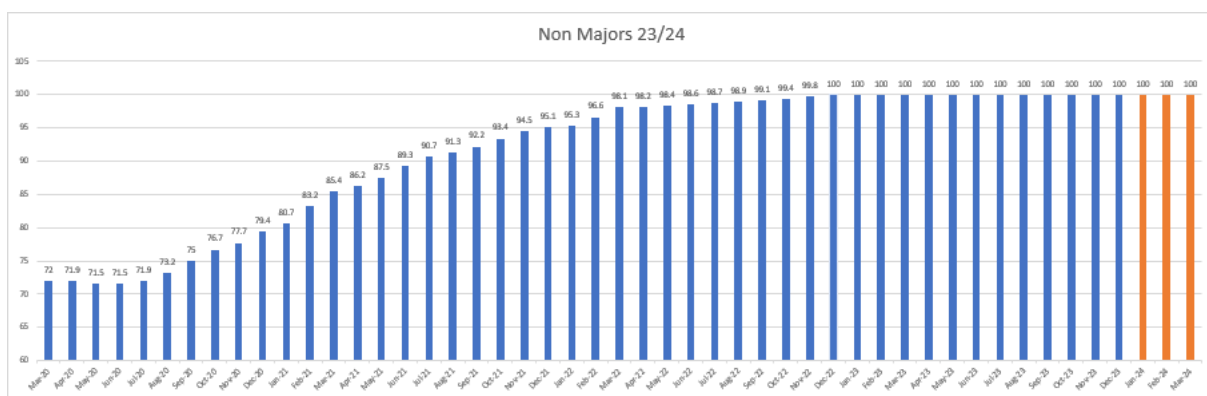
Major Development Performance (24 months to March 2024): Benchmarked against DLUHC Table 151

100% (51 out of 51) of all ‘major’ applications were determined within time April 2022 – March 2024. This performance places LB Barking & Dagenham **joint 1st nationally** when compared against all 330 Local Planning Authorities and **joint 1st in London** when compared against all 32 London Planning Authorities. *It is important to note that 38x authorities nationally and 7 other London authorities all share 1st place achieving 100% of all major applications determined within time.*

Our performance for the timely determination of Major developments over the past 24 months could not have been improved against the parameters of DLUHC performance data but the team are continuing to work to bring through efficiencies and improvements to accelerate growth within the Borough.

Non-Major Development Performance (24 months to March 2024): Benchmarked against DLUHC Table 153

The graph below represents the Development Management’s service performance for the determination of ‘Non-Major’ applications in accordance with DLUHC reporting criteria. Each bar below represents the cumulative average performance of the previous 24 months. (e.g. ‘Oct 21’ below returns data for Nov 2019 - Oct 2021)



- The bars in blue represent the performance of the team as published quarterly by DLUHC.
- The bars in orange represent performance based on monthly performance data.

100% (1,754 out of 1,754) of all ‘non-major’ applications were determined ‘within time’ April 2022 – March 2024. This performance has placed LB Barking & Dagenham **1st nationally** (up 337 places from June 2020) when compared against all 330 Local Planning Authorities and **1st in London** (up 29 places from June 2020)

when compared against all 32 London Planning Authorities. **LB Barking has now maintained this first-placed ranking for 15 consecutive months.**

In addition to the above, it is also important to report on the timeliness of determinations 'within 8 weeks' as this links to Be First's aspirations to accelerate development aligning more widely to the government's aspiration to 'speed up' the planning process. The table below shows the top ranked local authorities for non-major decisions made within 8 weeks as a percentage of total decisions made. It is important to note that the below table illustrates planning performance where no extension of time has been necessary.

Pos	Local Authority	% within 8 weeks no EOT
1	Barking and Dagenham	92.97%
2	Watford	86.17%
3	Arun	81.59%
4	North Tyneside	81.43%
5	Tunbridge Wells	79.98%
6	Chelmsford	78.96%
7	Coventry	78.78%
8	Medway	78.44%
9	Three Rivers	78.29%
10	Redbridge	77.58%

As per DLUHC data published December 2023 (based on the 24-month average prior to Sept 2023), **93%** of all 'non-major' applications were determined 'within 8 Weeks'. This performance places LB Barking & Dagenham **1st nationally** when compared against all 330 Local Planning Authorities and **1st in London** when compared against all 32 London Planning Authorities.

PART 2: FINANCIAL YEAR 2023-2024 PERFORMANCE DATA

Applications determined:

	Q1 <i>Apr 23 – Jun 23</i>	Q2 <i>Jul 23 – Sep 23</i>	Q3 <i>Oct 23 – Dec 23</i>	Q4 <i>Jan 24 – Mar 24</i>	12 Month Total <i>Apr 23 – Mar 24</i>
Majors (Determined in time)	100% (5 out of 5)	100% (2 out of 2)	100% (7 out of 7)	100% (3 out of 3)	100% (17 out of 17)
Minors (Determined in time)	100% (57 out of 57)	100% (52 out of 52)	100% (46 out of 46)	100% (33 out of 33)	100% (188 out of 188)
Others (Determined in time)	100% (127 out of 127)	100% (160 out of 160)	100% (133 out of 133)	100% (94 out of 94)	100% (514 out of 514)
CLE's & CLP's (Determined in time)	100% (91 out of 91)	100% (99 out of 99)	100% (87 out of 87)	100% (71 out of 71)	100% (348 out of 348)

The above table confirms that 100% of all decisions taken on the above applications within the previous financial year were taken within time.

Appeals:

	Q1 <i>Apr 23 – Jun 23</i>	Q2 <i>Jul 23 – Sep 23</i>	Q3 <i>Oct 23 – Dec 23</i>	Q4 <i>Jan 24 – Mar 24</i>	12 Month Total <i>Apr 23 – Mar 24</i>
Planning Appeals (Dismissed)	56% (9 out of 16)	77% (10 out of 13)	64% (9 out of 14)	75% (21 out of 28)	69% (49 out of 71)

The most recent national average published by the Planning Inspectorate is at 68% dismissed. This places the quality of decision taking by LB Barking and Dagenham above to the national average. This is an excellent result given the speed of determination and the ageing local policy context (2010/2011) against which decisions are determined.

Householder

The Development Management Team have set an aspirational target to approve 67% of all 'Householder' applications. This is an extremely ambitious challenge given the quality of submissions at receipt is generally very poor and propose extremely unneighbourly development. It must be noted that this aspirational target does not prejudice officers assessment in any way and that each application is assessed on its own merits. Nevertheless, officers work hard to engage with applicants and seek meaningful improvements and amendments to proposals (where possible).

Through the period April 2023- March 2024 achieved a **66% (270 out of 410)** approval of all Householder applications, equalling last year's performance. Whilst this is marginally below the team's aspirational target, the quality of decision making (*as reflected above in the appeals data*) remains high and the timely determinations (*as demonstrated in the applications determined data*) represents a nationally best position.

This aspirational target has been in place since 2021. In 2021/22 the average across the year was 65% of applications approved and in 2022/23 the average across the year was 67%. This illustrates that the

aspirational target of 67% is very difficult to achieve. Nevertheless, the team shall endeavour to exceed the target next year with a view to reviewing the target level for 2025/26.

PART 3: APPLICATIONS SAMPLE FOR DETAILED REVIEW

The following table provides a key summary of the sample of randomly selected applications determined within the period of 1 April 2022 and 13th March 2023 out of a total of 987 decisions issued. The applications are listed in date order of the date of the decision being issued. The Sub-Committee will select 3-4 of the reports below for a further detailed review and the outcome of this will be reported back to the Full Planning Committee following this review.

App. Ref:	Address:	Decision:	Within Statutory period?	Within time agreed?
24/00025/Full	476, Ripple Road, Barking	Refused	YES	n/a
23/01965/Hse	106, Manor Road, Dagenham, RM10	Approved	YES	n/a
23/01902/ Hse	11, Stratton Drive, Barking	Approved	YES	n/a
23/01447/Full	3, Seagull Close, Barking, IG11 OGX	Approved	YES	n/a
23/01197/ Hse	28, Western Avenue, Dagenham, RM10 8XH	Refused	NO	YES
22/00025/Full	108, Hatfield Road, Dagenham, RM9 6JS.	Refused	YES	n/a
22/02100/Full	97, Gay Gardens, Dagenham, RM10 7TH	Refused	YES	n/a
22/02117/Full	144, Marston Avenue, Dagenham, RM10 7LJ	Approved	YES	n/a
23/00248/Full	229, Westrow Drive, Barking, IG11 9BS	Refused	YES	n/a
23/00327/Full	733, Becontree Avenue, Dagenham, RM8 3HH	Refused	YES	n/a

Further Detailed Review

The sub-committee received a bundle at Appendix 1 providing further detail on each of the applications identified for review in the table above. The bundle contains the following information for each application:

- Overview title page
- Key Drawings(s)
- Key aerial imagery provided for wider site context
- Officer Delegated Report
- Decision Notice

The following table records a summary of the performance and quality indicators for each application the Sub-Committee considered in further detail along with a summary of the matters reviewed on each application.

App. Ref:	22/02100/FULL		Date Received:	02/03/2023	
App. Address:	97, Gay Gardens, Dagenham, RM10 7TH		Date Determined:	21/04/2022	
Proposal:	Conversion of existing shed into a 1x bedroom bungalow				
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
<p>Summary of Discussion and Comments of the Sub-Committee:</p> <ul style="list-style-type: none"> The application relates to the conversion of a shed in a rear garden to a bed. It was noted that this is a common type of application received by the LPA and that there is an issue within the borough of sub-standard self-contained accommodation being provided within rear gardens. Members considered the existing and proposed plans along with photographs of the rear elevation and aerial imagery. In considering the reasons for refusal members were satisfied that a correct decision had been taken that the proposal would represent a sub-standard form of accommodation. It was noted by the Head of Planning Assurance that the approach taken to 'bed in sheds' application was a good example of cross working between Be First and different LBBB departments (in this case enforcement and private sector housing). This approach was welcomed by members. There was some discussion on the wider approach to this type of application that has been adopted which takes into account recent decisions by the inspector but adopts an enhanced approach to enforcement in order to ensure that any ancillary out buildings consent are not unlawfully occupied as self-contained units. 					

PART 4: APPEALS SAMPLE FOR DETAILED REVIEW

The following table provides a key summary of the sample of randomly selected appeals decisions received within the period of 1 April 2023 and 13th March 2024 out of a total of 65 appeals determined by the Planning Inspectorate. The appeals are listed in date order of the date of the decision being issued. The Sub-Committee will select 3-4 of the reports below for a further detailed review and the outcome of this will be reported back to the Full Planning Committee following this review.

Appeal. Ref:	Address:	Appeal Outcome
APP/Z5060/W/22/3304836	75 Longbridge Road, Barking, Barking And Dagenham, IG11 8TG	Appeal Dismissed
APP/Z5060/W/22/3311509	345 Hedgemans Road, Dagenham, Barking And Dagenham, RM9 6DR	Appeal Allowed
APP/Z5060/X/22/3294717	195 Morley Road, Barking, Barking And Dagenham	Appeal Allowed
APP/Z5060/D/22/3306726	14 Thornhill Gardens, Barking, Barking And Dagenham, IG11 9TX	Appeal Allowed
APP/Z5060/D/22/3313390	128 Western Avenue, Dagenham, Barking And Dagenham, RM10 8UH	Appeal Allowed
APP/Z5060/W/22/3313463	2 Dewey Road, Dagenham, Barking And Dagenham, RM10 8AR	Appeal Allowed
APP/Z5060/D/23/3321946	20 Oval Road North, Dagenham, Barking And Dagenham, RM10 9EL	Appeal Allowed
APP/Z5060/D/23/3329141	231 Westrow Drive, Barking, Barking And Dagenham, IG11 9BS	Appeal Allowed
APP/Z5060/W/23/3326911	135 Hatfield Road, Dagenham, Barking And Dagenham, RM9 6JT	Appeal Allowed
APP/Z5060/W/23/3328582	20 Tenby Road, Chadwell Heath, Romford, Barking And Dagenham, RM6 6NB	Appeal Allowed

Further Detailed Review

The sub-committee received a bundle at Appendix 2 providing further detail on each of the applications identified for review in the table above. The bundle contains the following information for each application:

- Overview title page
- Key Drawings(s)
- Key aerial imagery provided for wider site context
- LBBDD Decision Notice
- Planning Inspectorate Appeal Decision (and any associated cost decision if relevant)

The following table records a summary of the performance and quality indicators for each application the Sub-Committee considered in further detail along with a summary of the matters reviewed on each application.

Appeal Ref:	APP/Z5060/D/22/3306726	Planning App Ref:	22/01189/PRIEXT
Appeal Address:	14 Thornhill Gardens, Barking, Barking And Dagenham, IG11 9TX	Planning App (decision date)	16/08/2022
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 2.80 metres.		
<p>Summary of Discussion and Comments of the Sub-Committee</p> <ul style="list-style-type: none"> The application in question is for prior approval, meaning that an assessment of the impact of the application is only necessary if an objection is received from an adjoining neighbour. If no neighbour objects, then prior approval is not required, and the proposal is considered permitted development. In this case, an objection was received so an assessment of the development was carried out. Officers found that the impact of the proposed extension upon neighbouring amenity would be unacceptable. The inspector disagreed stating that there were mitigating factors which reduce the harm on neighbours. Officers were of the view that the inspector took an overly relaxed approach to the impact on neighbouring amenity. Officer also brought to members attention one aspect of the inspector's assessment which it was considered misapplied the relevant guidance in the Residential Extensions SPD Members considered the proposed development in full and considered both the officer assessment and the assessment of the Planning Inspector. Members agreed that officers' resistance to the application was reasonable, and that the inspector's position was arguable. Members queried whether there was a means of appealing to the inspector if we felt that they had erred in their assessment. It was explained that a legal challenge could be mounted but that would generally only be considered on a large strategic scheme. The inspector could be written to to raise the issue if it was considered that there was a persistent problem but that wasn't considered appropriate in this case. 			