



Havering
LONDON BOROUGH

Strategic Planning Committee 4 November 2021

Subject: **Quarterly Planning Performance Update Report.**

Report Author: **Simon Thelwell, Head of Strategic Development**

1 BACKGROUND

- 1.1 This quarterly report produces a summary of performance on planning applications/appeals and planning enforcement for the previous two quarters, April to June 2021 and July to September 2021.
- 1.2 Details of any planning appeal decisions in the quarters where committee resolved to refuse planning permission contrary to officer recommendation are also given.
- 1.3 The Government has set performance targets for Local Planning Authorities, both in terms of speed of decision and quality of decision. Failure to meet the targets set could result in the Council being designated with applicants for planning permission being able to choose not to use the Council for determining the application

2 RECOMMENDATION

That the report be noted.

3 QUALITY OF PLANNING DECISIONS

- 3.1 In accordance with the published government standards, quality performance with regard to Major (10 or more residential units proposed or 1000+ sq m new floorspace or site area greater than 0.5 hectares), County Matter (proposals involving minerals extraction or waste development) and Non-Major applications are assessed separately. If more than 10% of the total

decisions in each category over the stated period were allowed on appeal, the threshold for designation would be exceeded. Due to the fact that 10% of the number of non-major decisions made exceeds the total number of appeals, there is no chance of designation so the performance against the non-major target will not be published in this report, although it will still be monitored by officers.

- 3.2 In December 2020, MHCLG announced that there would be two periods of assessment for the purposes of designation:

- decisions between 1 April 2018 and 31 March 2020, with subsequent appeal decisions to December 2020 (as previously reported, the Council is not at risk of designation for this period).

- decisions between 1 April 2019 and 31 March 2021, with subsequent appeal decisions to December 2021

- 3.3 The current figures for April 2019 to March 2021 are:

Total number of planning decisions over period: 56

Number of appeals allowed: 2

% of appeals allowed: 3.6%

Appeals still to be determined: 2

Refusals which could still be appealed: 2

County Matter Applications:

Total number of planning decisions over period: 4

Number of appeals allowed: 0

% of appeals allowed: 0%

Appeals still to be determined: 0

Refusals which could still be appealed: 0

- 3.4 Due to the low number of decisions that we take that are majors or county matters, any adverse appeal decision can have a significant effect on the figure. However as there are no more planning decisions or appeals to be submitted, even if the two outstanding appeals were allowed, the % of appeals allowed would not exceed 10% and therefore the Council is not at risk of designation for this period.

- 3.5 Although, no announcements regarding further periods for assessment have been made, it is considered that monitoring of the next rolling two year assessment period should take place – this would be decisions between 1 April 2020 and 31 March 2022 with subsequent appeal decisions to December 2022.

- 3.6 The current figures for April 2020 to March 2022 are:

Total number of planning decisions over period: 47
 Number of appeals allowed: 1
 % of appeals allowed: 2.1%
 Appeals still to be determined: 2
 Refusals which could still be appealed: 1

County Matter Applications:

Total number of planning decisions over period: 1
 Number of appeals allowed: 0
 % of appeals allowed: 0%
 Appeals still to be determined: 0
 Refusals which could still be appealed: 0

- 3.7 Based on the above, it is considered that at this time there is a risk of designation. The figure will continue to be carefully monitored.
- 3.8 As part of the quarterly monitoring, it is considered useful to provide details of the performance of appeals generally and summarise any appeal decisions received where either the Strategic Planning Committee/Planning Committee resolved to refuse planning permission contrary to officer recommendation. This is provided in the tables below.

Appeal Decisions Apr-Jun 2021

Total Number of Appeal Decisions - 21
Appeals Allowed - 10
Appeals Dismissed - 11
% Appeals Allowed - 48%

Officer Comment – see Jul-Sep 2021 comments

Appeal Decisions where Committee Decision Contrary to Officer Recommendation

Total Number of Appeal Decisions - 0
Appeals Allowed - 0
Appeals Dismissed - 0
% Appeals Allowed - N/A

Officer Comment – see below

Appeal Decisions Apr-Jun 2021
 Decision by Committee Contrary to Officer Recommendation

Date of Committee	Application Details	Summary Reason for Refusal	Appeal Decision	Summary of Inspectors Findings
NONE				

Appeal Decisions Jul-Sep 2021

Total Number of Appeal Decisions - 28
Appeals Allowed - 16
Appeals Dismissed - 12
% Appeals Allowed - 57%

Officer Comment – The appeals allowed % for this and the previous quarter has increased significantly when compared to previous years/quarters where the average figure is usually between 22-30% of appeals allowed. The figures for these two quarters are based on a relatively low number of appeals meaning each appeal decision affects the overall percentage so it is not necessarily a sign of a trend going forward. However, the appeals decisions have been analysed for any obvious reasons for the performance. At this stage, given the low number of appeals, it is difficult to draw any firm conclusions, although it does appear that inspectors are more inclined than previously to allow small infill/back garden schemes for new dwellings and residential extensions refused solely on grounds of being out of character rather than residential amenity impacts. Appeal decisions will be monitored with updates to planning officers as necessary.

Appeal Decisions where Committee Decision Contrary to Officer Recommendation

Total Number of Appeal Decisions - 1
Appeals Allowed - 1
Appeals Dismissed - 0
% Appeals Allowed - 100%

Appeal Decisions Jul-Sep 2021				
Decision by Committee Contrary to Officer Recommendation				
Date of Committee	Application Details	Summary Reason for Refusal	Appeal Decision	Summary of Inspectors Findings

30/07/20	<p>1 Ambleside Avenue, Hornchurch</p> <p>Change of use from Dwelling (C3) to Nursery (D1).</p>	<p>1) Noise and disturbance to neighbours</p> <p>2) Inadequate provision for drop off leading to highway safety and traffic concerns</p>	<p>Appeal Allowed</p> <p>Costs awarded against Council</p>	<p>1) A detailed noise impact assessment and associated set of mitigation measures was submitted as part of the application and would ensure satisfactory conditions in relation to indoor noise and outdoor play. Although there would be comings and goings unlikely to be significant disturbance given this is a fairly busy location close to Elm Park.</p> <p>2) Given the existing parking restrictions and proximity to public transport, it would not be unreasonable to expect a variety of means of transport to be used, including walking. Only short periods of parking nearby would be necessary and this would not represent parking stress.</p> <p>Costs Award In regard to Reason 2, there was a previous determination which was not on the grounds of highway</p>
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				<p>safety. A planning decision is one of a matter of judgment and the Council Members are entitled not to accept the professional advice of their officers so long as a case can be made for a contrary view. It is not evident however why the second reason for refusal was applied, when it was deemed not unacceptable in the previous determination. The Council has therefore not determined cases in a consistent manner and this amounts to unreasonable behaviour.</p> <p>Officer Comment: The committee were specifically advised by officers that the second reason being put forward by them was weak/not previously raised and the committee were cautioned against using this reason which was likely to be challenged. After debate, the committee resolved to include reason 2.</p>
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4 SPEED OF PLANNING DECISIONS

- 4.1 In accordance with the published government standards, speed of decision applies to all major and non-major development applications, with the threshold for designation set as follows:

Speed of Major Development (and County Matters) – 60% of decisions within timescale (13 or 16 weeks or such longer time agreed with the applicant)

Speed of Non-Major Development - 70% of decisions within timescale (8 weeks or such longer time agreed with the applicant)

- 4.2 In December 2020 MHCLG announced that there would be two periods assessed for the purposes of designation:

- Decisions made between October 2018 and September 2020 (as previously reported, the Council is not at risk of designation for this period)
- Decisions made between October 2019 and September 2021

- 4.3 Performance to date on these is as follows:

October 2019 to September 2021 (to date)

Major Development (45 out of 51) – 88% in time

County Matter (1 out of 3) – 33% in time

Non-Major Decisions – (2982 out of 3303) 90% in time

- 4.4 The Council is currently not at risk of designation due to speed of decisions. The figure for future periods will continue to be monitored.

5 PLANNING ENFORCEMENT

- 5.1 There are no designation criteria for planning enforcement. For the purposes of this report, it is considered useful to summarise the enforcement activity in the relevant quarter. This information is provided below:

Apr – Jun 2021	
Number of Enforcement Complaints Received: 202	
Number of Enforcement Complaints Closed: 144	
Number of Enforcement Notices Issued: 47	
Enforcement Notices Issued in Quarter	
Address	Subject of Notice
2 Mill Park Avenue, Hornchurch	Unauthorised front boundary wall

59 Suttons Lane, Hornchurch	Unauthorised extension to outbuilding
103 Suttons Lane, Hornchurch	Unauthorised extension
2 Thurloe Gardens, Romford	Unauthorised HMO
9 Oaks Avenue, Romford	Unauthorised HMO
12 Walden Avenue, Rainham	Unauthorised extension
2 Shepherds Hill, Romford	Breach of Condition Notice – accordance with plans and details of waste disposal
11 Beaufort Close, Romford	Unauthorised extension
East Side of Tye Farm, St Mary's Lane, Upminster	Unauthorised use for storage and distribution purposes
Land to rear of 67 Butts Green Road, Hornchurch	Unauthorised use for storage of motor vehicles
30 Charlotte Gardens, Romford	Unauthorised HMO
70 Hillfoot Road, Romford	Unauthorised HMO
22 Larchwood Avenue, Romford	Unauthorised HMO
Queen Moat House, 22 St Edwards Way, Romford	Breach of Condition Notice – details of parking, cycle storage, waste and landscaping
Grove Farm, Brook Street, Brentwood	21 x Notices: Unauthorised change of use from agriculture to various commercial uses
179-181 Cherry Tree Lane, Rainham	1) Unauthorised use of garden for storage of vehicles and building materials 2) Untidy Land Notice
26 Penerley Road, Rainham	Unauthorised use of garage for business purposes
2 Wickford Close, Romford	Unauthorised building to front of property
12 Orchis Way, Romford	Unauthorised HMO
44 Albany Road, Hornchurch	Unauthorised roof extension
Chafford Park Farm, Aveley Road, Upminster	4 x Notices: Unauthorised change of use from car servicing to scaffold yards
57 Nags Head Lane, Upminster	Unauthorised extensions and canopies.
347 Upminster Road North, Rainham	Unauthorised extension

Jul – Sep 2021	
Number of Enforcement Complaints Received: 176	
Number of Enforcement Complaints Closed: 130	
Number of Enforcement Notices Issued: 20	

Enforcement Notices Issued in Quarter	
Address	Subject of Notice
253 Elm Park Avenue, Hornchurch	Unauthorised HMO
2 Stanley Close, Romford	Unauthorised raised platform
101 Birch Crescent, Hornchurch	Unauthorised roof extension
98 Ardleigh Green Road, Hornchurch	1) Unauthorised rear extension 2) Use of land to rear for vehicle repairs and storage
28 Castle Avenue, Rainham	Unauthorised rear extension
14 Mendora Road, Romford	Unauthorised HMO
14 Poplar Street, Romford	Unauthorised HMO
White Bungalow, Southend Arterial Road, Hornchurch	Breach of Conditions – pre-commencement conditions
Land to North of Southend Arterial Road, Hornchurch	Unauthorised hard surface
11 Vicarage Road, Hornchurch	Unauthorised climbing frame/raised platforms
197 Ardleigh Green Road, Hornchurch	Unauthorised enclosure/decking/seating area
39 Wolseley Road, Romford	Unauthorised flat conversion
290 Upminster Road North, Rainham	Unauthorised building in rear garden
24 Maybank Avenue, Hornchurch	Unauthorised shutter to boundary
1 & 1A Writtle Walk, Rainham	Unauthorised dwelling
The Lodge Care Home, Lodge Lane, Romford	Breach of Condition – car parking
42 Aldwych Close, Hornchurch	Unauthorised HMO/flat
29 Percy Road, Romford	Unauthorised rear extension
319A & 319B Rush Green Road, Romford	Unauthorised vehicle storage/repairs
County Service Station, Essex Gardens, Hornchurch	Breach of Conditions – operating hours and restricted use