

## LONDON BOROUGH OF WALTHAM FOREST



Committee/Date:	Planning – 04 <sup>th</sup> February 2025
Report Title	Planning Performance
Wards affected:	None specifically
Appendices:	None

### 1. SUMMARY

- 1.1. This report provides an overview of planning performance, timeliness, appeal decisions and monitoring as requested by the Committee.

### 2. RECOMMENDATION

- 2.1. The Committee is asked to review the information within the report, ask questions of witnesses and make recommendations as required.

### 3. BACKGROUND

- 3.1. The Council receives around 3,200 planning applications each year. Last financial year the Development Management Team generated c£2.1m of income, of which £1.3m was from planning fees and £740k from pre-application fees and planning performance agreements.
- 3.2. As of November 2024 there is a pipeline of 9,321 new homes to be delivered in Waltham Forest (i.e., homes that have started construction but not completed and homes with planning consent or a resolution to grant planning consent). Of these, 31%, or 2854 new homes, will be affordable, with a split of 46% Social Rent, London Affordable Rent and Affordable Rent and 54% Intermediate.
- 3.3. The Committee has requested information on planning performance. Information is provided on timeliness of decisions, in the context of Government performance targets, an overview of appeal outcomes and performance and measures being taken to improve performance and address resourcing issues.

### 4. DEVELOPMENT MANAGEMENT PERFORMANCE

#### Performance indicators

- 4.1. The performance of local planning authorities in determining major and minor development is assessed on a quarterly basis by the Ministry of Housing, Communities & Local Government (MHCLG). The

assessment of performance is judged by the MHCLG against two separate measures of performance, which are:

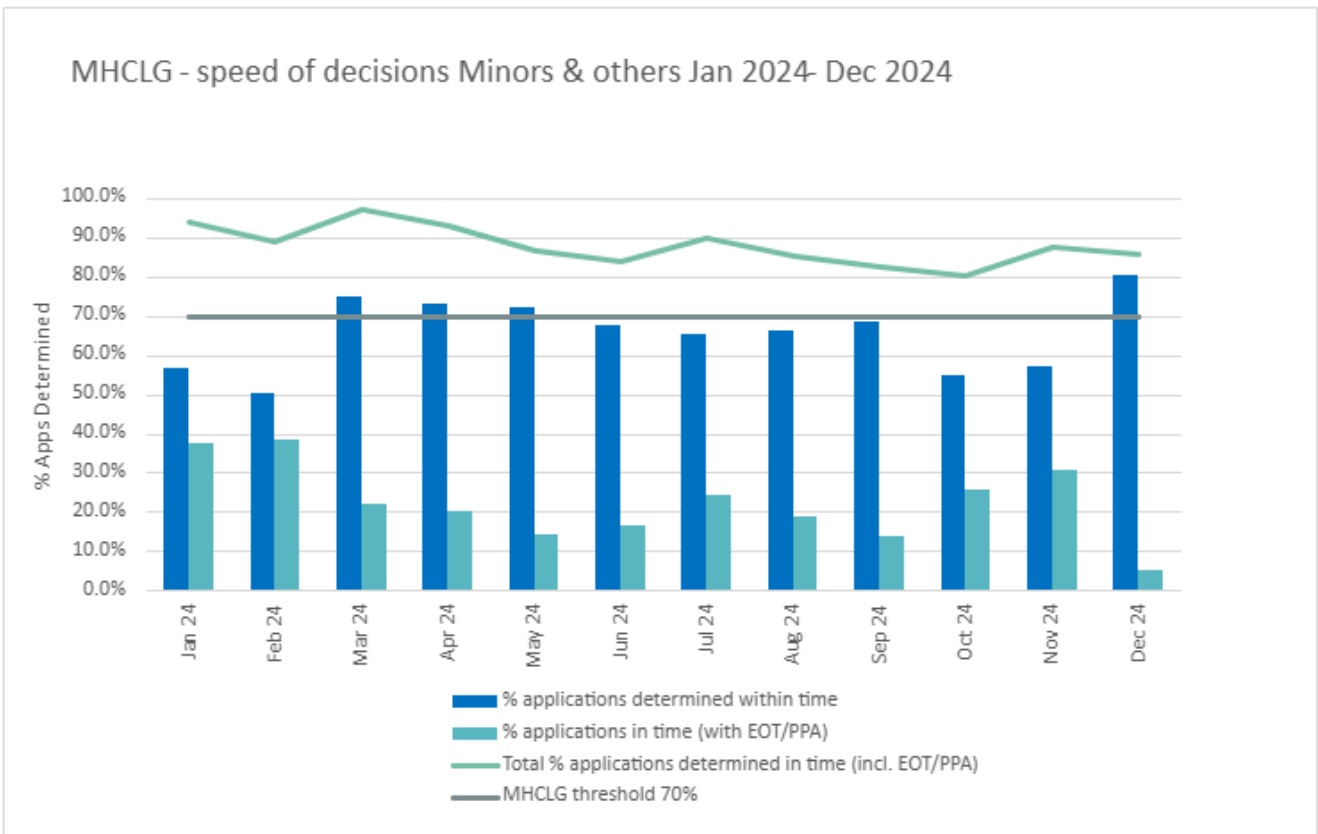
- the speed with which applications are dealt with, measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
- the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal out of all decisions made.

- 4.2. Where an authority does not meet the required performance, levels set out in Table 1 (below), it can be 'designated' by the MHCLG on behalf of the Secretary of State. Where a local planning authority is designated, applicants may apply directly to the Planning Inspectorate (on behalf of the Secretary of State) for determination of the category of applications (i.e., major, minor or both) for which the authority has been designated.

<b>Measure &amp; Type of Application</b>	<b>Threshold</b>
Speed of Major Development	60%
Speed of non-Major Development	70%
Quality of Major Development	10%
Quality of non-Major Development	10%

- 4.3. Local planning authorities are required to submit data showing their performance against the speed and quality measures set by the MHCLG on a quarterly basis which is then published by MHCLG.
- 4.4. The Government's assessment period for speed of decision making is now 12 months, effective from September 2024 (previously it was 24 months). It remains 24 months for quality of decisions.
- 4.5. Major applications are defined as development involving ten or more homes, 1,000sqm floorspace, site area of 1 or more hectare, waste development and minerals development. Minor development is all other applications for development, including householder applications.
- 4.6. The Council's performance for speed of decisions for major applications for the 24-month period October 2022 to September 2024 is 95.5% (21 decisions within 13 weeks or agreed extension of time, out of 22 decisions). The Council is comfortably above the threshold and works proactively with all major applicants to secure development performance agreements which set out an agreed timetable for determination of applications.
- 4.7. The Council's performance for speed of decisions for minor applications is 88.2% (2,255 decisions within 8 weeks or agreed extension of time, out of 2,556 total decisions). The Council is comfortably above the threshold and where necessary works with applicants to agree longer periods for determining applications.

- 4.8. More up to date monthly performance data shows that for the 12 months to December 2024 the average for speed of major decisions is 100% within time or agreed extension of time, and 88% for minor applications. Around 66% of minor application are determined in time without the use of extension of time agreements, which is an improvement on 52% in the previous year. The Council aims to only use EoTs where the applicant wants to make amendments to the application during the course of determination, where a Section 106 is required (this includes all residential developments of 1 or more homes), where the application needs to be reported to planning committee, or is otherwise unusually complex (for example where an internal/external consultee has raised issues the need resolving). The Council determines an average of two major applications and 120 minor/other applications per month.
- 4.9. Officers are working proactively with applicants at pre-application, and where appropriate at application stage, to bring forward acceptable schemes. There are supported by Development Performance Agreements, Planning Performance Agreements (PPAs) and mini-PPAs. Examples of schemes that have benefitted from this approach and reported to Planning Committee include Halden Road, Lea Bridge Gasworks and Standard Music Venue.



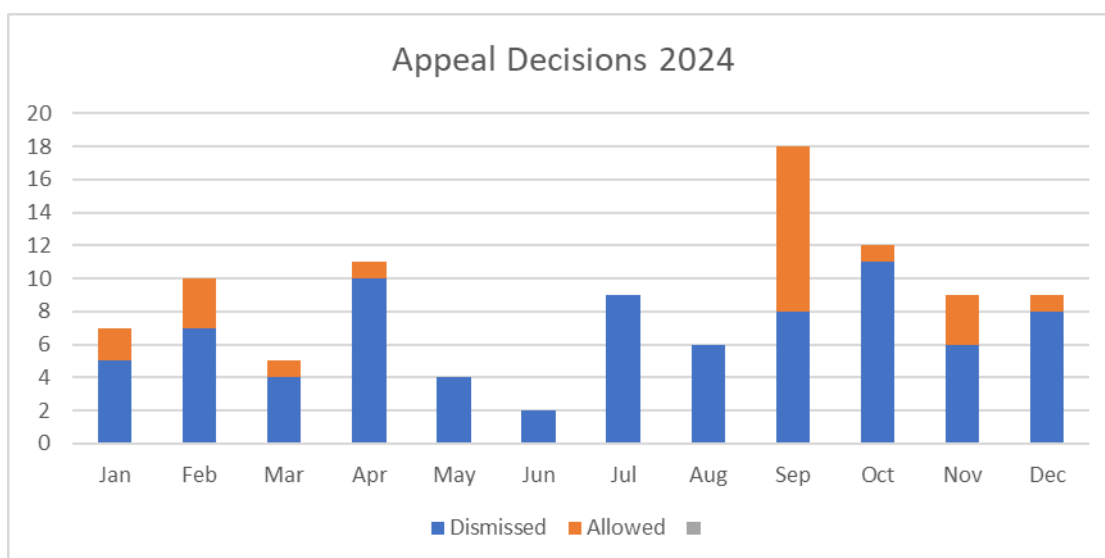
- 4.10. The Council’s performance for quality of decision making for Major Applications determined by the Council in the 24 months to September 2023 is 3.8%, (1 appeal allowed, out of 26 applications determined). This relates to the 480 Larkshall Road application was allowed on

appeal, following refusal by Planning Committee in March 2022. This demonstrates the impact that individual decisions can have on the performance indicator, given the relatively small number of total decisions on Major applications.

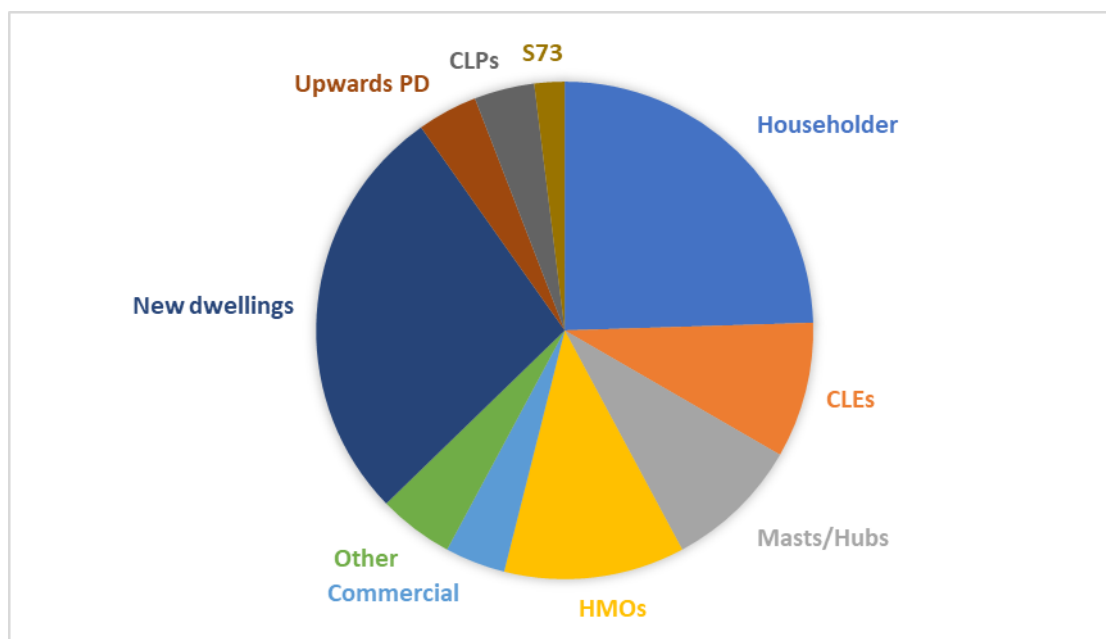
- 4.11. The Council's performance for quality of decision making for Minor Applications in the 24 months to September 2023 is 0.7%, (20 appeals allowed, out of 2,672 applications determined).
- 4.12. Further detail on appeal performance is discussed later in this report, however, the Council's success rate of appeals (i.e., those dismissed) during this period was around 78% which is above the national average.
- 4.13. Planning Managers review appeal decisions when they are issued, to learn from decisions that Inspector's make and to identify whether there are any recurring themes where Inspectors are routinely dismissing appeals.
- 4.14. The previous Government consulted on proposals to improve the performance management regime, as part of the wider planning fees and capacity consultation in Spring 2023. The Government has stated that other than the change to the assessment period for speed of decision making it does not intend to take forward these proposals as they risk destabilising local authority planning departments and impact overall service delivery. Rather, it is investing in local authority skills and resourcing by increasing planning fees and will review the situation in the future once the impact of these additional resources has been assessed.

### Appeal Performance

- 4.15. The average approval rate of applications is 73% (excluding withdrawn and closed applications) and around 15% of refusals are appealed against. Analysis of monthly appeal performance for 2024 shows that there were 102 decisions, of which 80 (78%) were dismissed. This success rate is higher than the national average of 70%.



4.16. A breakdown of appeals by application type is shown in the chart below. Around a quarter are householder applications, half are full minor applications (including new dwellings, HMOs and commercial developments and changes of use) and the remainder include certificates of lawfulness, telecommunications masts and upwards extensions.



4.17. In respect to Householder Applications, planning inspectors were generally supportive of Local Plan policies, in particular policies 53 (delivering high quality design) and 57 (amenity) in terms of character and appearance as well as neighbouring amenity impact. Similar objectives set out in the Council's Residential and Alterations SPD (2010) were often stipulated to inform the Inspector's decision.

4.18. Regarding new residential developments and change of use, 27 out of 28 appeals were dismissed, with planning inspectors supporting the Council decision that proposed developments would cause harm to the general character of the area and the living conditions of neighbouring occupiers, citing the above policies. It is noted that Inspectors afforded significant weight to the quality of housing and living environment for occupants in terms of standard of accommodation, physical access to property, adequate waste/refuse provision, access to amenity space and ensuring good outlook is achieved. Policy 56 of the Local Plan provide a strong position where developments fail to comply with external amenity provision on site.

4.19. Appeals of note include:

65 – 79 Roberts Road – demolition of garages to create 2 x 2storey houses - Dismissed

- Impact on neighbours,
- Oppressive and intimidating access
- Unsuitable waste collection

192 Odessa Rad – 2-bed bungalow – dismissed

- Dominant and out of keeping
- Awkward shaped courtyards result in gloomy outlook for occupants
- Insufficient amenity space

204 Sinclair Road – 1-bed house – dismissed

- Incongruous in street-scene
- Insufficient amenity space
- Unacceptable impact on root protection areas of protected trees
- Unacceptable impact on neighbours
- Unsafe access

24 Courtenay Road – 2-bed house – dismissed

- Negative impact on street scene
- Insufficient amenity space
- Overshadowing

257 Chingford Mount Road – extensions to provide 4 flats - allowed

- No evidence of parking stress
- Refuse location exceeded drag distance but not unacceptable
- Shortfalls in amenity space, floor to ceiling heights and daylight justified by fact it was extending existing buildings

60 Westward Road – 1 house – dismissed

- Land was part of garden and forms part of the character of the area of long gardens

108b Woodhouse Road – outline application for 3 houses – dismissed

- Illustrative plans showed adequate amenity space could not be achieved
- Cramped incongruous layout
- Oppressive impact on neighbours, overshadowing and loss of privacy

224 Sinclair Road – 5 flats – dismissed

- Bulky, incongruous, and prominent building
- 1 bedroom failed space standard and is overlooked
- Access to rear amenity space would be inconvenient
- Would add to parking stress

2 Cogan Avenue – 2-bed house - dismissed

- Basement level outlook is oppressive and unacceptable
- Shortfall in amenity space
- Modern design is different but not harmful
- Basement impact is acceptable
- Impact on highways during construction can be dealt with via other legislation

- 4.20. Inspectors also gave strong support to Policy 20 of the Local Plan, which seeks to control and restrict the provision of and the sizes of dwelling conversions, and Houses of Multiple Occupation. All appeals for change of use to HMO were dismissed.
- 4.21. Two telecommunications prior approval appeals (for 5G masts) were dismissed and one allowed. The matters that can typically be considered are siting and appearance. The two appeals that were dismissed Inspector's considered the harm to local listed buildings, street scene and trees. The one that was allowed was not considered out of place and the street width considered to be acceptable. There was also three appeals relating to BT Hubs (with linked advert consents), two were allowed as there was no harm to highway safety, pedestrian movement or visual impact, the one that was dismissed was considered to be visually marooned and would add to street clutter, although not considered to impact on public safety.
- 4.22. Two upward extension applications have been determined by appeal during this period, both were allowed. The matters to be considered for prior approval are set out by the Government and are the only matters that the Council and Inspectorate can take into account.
- 4.23. An appeal against refusal of retention of a pergola in the front entrance of 92 Station Road was allowed. The site lies in the recently designated Chingford Station road Conservation Area. The Inspector concluded that structures in the forecourts of properties in this location were an established part of the character and contribute to its vibrancy. The modest height, lightweight design and muted colour scheme minimises visual impact. It also allows views of the shopfront and building behind it.
- 4.24. There was a total of seven applications for the award of costs, six were refused, one allowed.

### **Resources**

- 4.25. In the last year the Council has recruited a further two planning officers to the Area Teams and removed reliance on agency staff within Development Management. This has provided more stability in the teams (contributing to the improved speed of decision performance) and reduced expenditure. The validation of applications has also improved, taking an average of 2.7 days to register a valid on receipt application, compared to 8 days in 2023.
- 4.26. In addition the Council has promoted a number of internal candidates to more senior positions. Providing opportunities for career progression has also helped retain staff.

## **5. CONCLUSION**

- 5.1 The Planning Service is performing well against current national performance criteria. The success rate at appeal is in line with the national average. The Council has successfully appointed new permanent staff, further reducing reliance on agency staff. The increase in planning fees and income from pre-application fees and development performance agreements is being used within the Team to improve

capability and capacity which has delivered performance improvements.

Background Information (as defined by Local Government (Access to Information) Act 1985)

None