

Report for: Regulatory Committee

Title: Planning Services 2019/20 - update

Report authorised by : Emma Williamson, Assistant Director, Planning

Lead Officer: Dean Hermitage, Rob Krzyszowski, Neil Goldberg, Fortune Gumbo, Bob McIver

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** for information

1. Describe the issue under consideration

A report on the work of the Planning Service in January -June 2019 as well as figures for the application performance in the last financial year

2. Recommendations

a) That this report be noted

3. Reasons for decision

Not applicable

4. Alternative options considered

This report is for noting and as such no alternative options were considered.

5. 2019/20 (Q1) to date work report

Development Management

- Applications during **2019/20: 556**
- Applications in same period **2018/19: 575**
- Number of cases on-hand end of May 2019: **500**
- Appeals during **2019/20: 21**
- Appeals dismissed (won) during **2019/20: 16**
- Cumulative performance (applications in time) **2018/19:**
 - Majors : **100%**
 - Minors : **95%**
 - Others : **99%**
 - PSO : **89%**
 - Validation: **11 working days**

As requested previously at Regulatory Committee, Appendix One explains the categories of applications.

Performance overview

- 5.1 Performance is at 100% for 'Majors' Applications and remains at the top quartile in London. Our performance for 'Minor' applications has been maintained and also remains at the top quartile in London at 99%. 'Other' applications are also maintained at top quartile in London at 98%. Performance has continued to improve and we expect to continue to be top quartile in all categories.
- 5.2 In 2019/20 (April – May) we have decided a total of 4 'Major' applications compared to 8 decided during the same period in 2018/19. The average time of decision has decreased from 272 to 132 days between these time periods, however all of these have been subject to planning performance agreements / extensions of time which are mutually agreed with applicants and encouraged in national guidance. The level of major applications submitted in the latter part of this year has reduced over previous years. The Government has three measures of performance which the Council must remain within thresholds for. If we breach these thresholds we will be designated as a poorly performing planning authority and developers will then have the option of applying directly to the Planning Inspectorate for Planning permission. This would mean that we don't get the fee income for that application but we are still required to undertake the consultation. In addition we lose the democratic right to determine the application. The first of these measure is our performance on a two year rolling period for determination of major applications. We are at 100% for this measure (the threshold is 50%)
- 5.3 In 2019/20 (April – May) we have decided 77 'Minor' applications compared to the 99 'Minor' applications decided during the same period in 2018/19. The average decision day has remained at 67. During 2019/20 we have decided 228 'Other' applications compared to the 204 'Other' applications decided during the same period in 2018/19. The cumulative average decision time has slightly decreased from 62 days to 59 days. The second of the government thresholds relates to performance on minor and other applications over a two year period. We are at 98% on this measure (the threshold is 70%). The third of the government thresholds relates to overturns of refusals of applications on appeal and relates to minor and other applications. We are at 2% on this measure (the threshold is to remain below 5%).
- 5.4 The length of time taken to validate an application has slightly increased from an average of 10 to 11 days from this time last year, however this is a product of the Systems thinking approach where there is a delay before validation rather than before decision.
- 5.5 Officer caseloads have remained at around 40 throughout the 2019/20 financial year. The number of on hand applications is around the same as this time last year and this is a reflection of our new approach as well as a focus on resolving a backlog of long standing applications. As of the end of May 2019, there are currently 500 on hand applications. The number of applications over 26 weeks is now at around 36. These cases are all complex or awaiting section 106 sign off.

Pre-application advice

- 5.6 During 2019/20 (April – May) there have been 21 pre-application meetings generating a total of £50,369 of income compared to £35,074 generated from 25 pre-application meetings last year within the same period. In 2019/20 (April – May) there have been 13 householder pre-application meetings generating £3,827 of income compared to £6,755 generated from 21 last year within the same period.
- 5.7 The use of Planning Performance agreements (PPA's) has decreased over previous years continued to increase and so far this year the service has received £20,000 in income from these agreements.
- 5.8 Meeting the deadline for providing advice following pre-application meetings is steadily improving and continues to be a focus for the team.

Systems Thinking (Planning Solutions Team)

- 5.9 The end to end times are set out below. Reducing the end to end times further will be a focus for the coming year:

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2018 (April – May)
Received	2951	3479	3907	4019	3399	3574	556
Approved	2372	2807	2935	3255	2659	2963	461
Refused	338	470	709	506	385	356	68
Average day	73	76	69	61	54	62	59

Planning Decisions

- 5.11 The Planning Committee has met 3 times so far this year and has resolved to grant planning permission for 301 residential units in full and 97 units at reserved matters stage and 4,464 sq.m. of commercial floorspace and a hotel. It resolved to refuse against officer recommendation 1 residential unit.
- 5.12 The fourth of the government thresholds relates to overturns of refusals (officer and committee) on major applications on appeal. We are currently at 3% on this measure (the threshold is to remain below 10%). It should be noted that because the number of major applications that we determine is relatively low it does not need many appeals to be lost to bring us close to this threshold. Currently it would require 4 more to take us over the threshold. We have 6 live additional appeals.
- 5.13 The measure to be used to measure quality of planning decisions is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period

5.14 The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period. The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. For example, a two year assessment period ending March 2018 will be used for designation decisions in Q1 2019, this allows for applications to be decided between April 2016 and March 2018 and a 9 month lag to December 2018 for appeals to be decided. The average percentage figure for the assessment period as a whole is used. As such for a designation decision in Q1 2020 the period of decisions to be taken into account will be April 2017 to March 2019.

5.15 The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10% of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

5.16 Haringey's performance as published on 28 February 2019 was as follows:

Type of application	Number of apps	Number of appeals	Number of overturns	% (Threshold 10%)
Majors	67	4	2	3

5.17 For a combination of reasons we now have 6 new appeals on major applications submitted or expected. All of these appeals have the potential for our decision to be overturned at appeal. This, combined with a fall in the number of applications being submitted, puts us in a situation of being vulnerable to designation.

5.18 Likely performance figures in January 2020 taking account of the appeals:

Type of application	Likely Number of apps	Number of appeals	Likely Number of overturns	% (Threshold 10%)
Majors	60	6	6	10%

5.19 Obviously the Service is doing all it can to defend these appeals and the figures set out above are the worst case scenario. If our decision is upheld in one case we will escape designation. The Service will be monitoring the stats monthly to keep abreast of the situation.

5.20 Before any designation is confirmed, local planning authorities whose performance is below one of the thresholds will be given an opportunity to provide clear evidence to justify corrections to any data errors and to set out any exceptional circumstances (supported by evidence) which, in their opinion, would make a designation unreasonable. A period of at least two weeks (as specified by the department) will be allowed for this, and all such arguments will be taken into account before final decisions are made. Requests that exceptional circumstances should be considered are judged against two general tests:

- a. whether the issue affects the reasonableness of the conclusions that can be drawn from the recorded data for the authority, over the assessment period; or
- b. whether the issue had a significant impact on the authority's performance, for reasons that were beyond its control.

5.21 If we do breach the threshold we will construct a case against designation with potential mitigating factors.

5.22 The Secretary of State will decide once each year whether any designations should be lifted, at around the same time as deciding whether any new designations are to be made. Exceptionally de-designations may be made at other times.

5.23 In assessing whether a designation should be lifted, consideration is given to:

- (a) the potential capability of the designated local planning authority to deal effectively with applications for major or non-major development, as appropriate, in the future; and
- (b) the effectiveness of the designated local planning authority in dealing with the relevant category of applications during the period of its designation.

5.24 Soon after a designation is made the local planning authority is expected to prepare an action plan addressing areas of weakness that it identifies as having contributed to its under-performance. In doing so the authority should draw upon sector support, particularly any support that is available through programmes funded by the Ministry of Housing, Communities and Local Government. The authority will need to agree the action plan with the Department.

5.25 A designation will be revoked if the Secretary of State is satisfied that:

- (a) the designated local planning authority has provided adequate evidence of sufficient improvement against areas of weakness identified in an initial assessment of its performance; and provided that the designated local planning authority,
- (b) would not, at the time that decisions about de-designation are made, remain eligible for designation on the basis of the data available at the time;
- (c) has completed, within the timescale specified, any administrative tasks required of the authority in association with applications made directly to the Secretary of State in the area, in at least 80 per cent of cases during the designation period; and
- (d) has not, in the view of the Secretary of State, caused unreasonable delay in progressing and signing any section 106 agreements associated with applications submitted directly to him during the designation period.

5.26 If, having considered these criteria, the Secretary of State concludes that the designation should remain in place, the local planning authority will be given at

least two weeks to set out any exceptional circumstances (supported by evidence) which, in its opinion, would make a continued designation unreasonable.

Planning Enforcement

- Enforcement complaints received during 2019/20 (April – May): **125**
- Enforcement notices served during 2019/20 (April – May): **11**

5.27 In May, 96% of the complaints were acknowledged within one working day of receipt.

5.28 Planning Enforcement have undertaken a number of prosecutions against owners who have failed to comply with existing enforcement notices. In addition to the prosecution proceedings, there has been a concerted effort in securing confiscation sentences under the provisions of Proceeds of Crime Act (POCA) 2002. There are a number of prosecutions which are still going through the courts.

PLANNING POLICY, TRANSPORT AND INFRASTRUCTURE

Planning Policy

5.29 The next steps for the Wood Green Area Action Plan are dependent on the final confirmation of the proposals for the Council's own sites which is awaiting a decision on the Accommodation Strategy, due to be reported to Cabinet in July 2019. In the interim, the Policy team continues to work with Regeneration and Economic Development colleagues to strengthen the evidence base around the supporting transport study and employment floorspace needs.

5.30 The North London Waste Plan pre-submission draft was consulted on between 1 March to 12 April 2019. Officers from the North London Waste Plan team and constituent planning authorities of Haringey, Camden, Islington, Barnet, Enfield, Hackney and Waltham Forest have been considering the consultation responses and the Plan is expected to be submitted to the Secretary of State for independent examination in August 2019. The examination hearings are anticipated for November 2019, with the inspector's report in early 2020 and adoption in summer 2020.

5.31 In May 2019, the Government brought into effect further permitted development rights proposed following the Autumn Budget 2018 and consulted on in late 2018 / early 2019. These included further relaxing controls over what different types of retail units can change to without the need for planning permission. The government also stated that it will continue to pursue implementing permitted development rights for redeveloping entire office buildings to residential use, and allowing an additional dwelling to be built on existing buildings through provision for upward extensions, without the need for planning permission, although the details of these have not been published.

5.32 The Government's new Housing Delivery Test results were published in February 2019, identifying Haringey's delivery over the measured 3 years at 48% (although

we are disputing this as it should be 57% although this makes no difference to the sanction) which means it will need to respond to its shortfall in housing completions through the production of an Action Plan. Some of this will involve actively engaging the development community to better understand why some sites have not come forward for development or are slow to be built out. This work has begun. Work is being undertaken to determine what appropriate actions the Council could take as well as what the longer-term implications may be for planning in Haringey, in light of the significant increase in the Borough's strategic housing requirement proposed in the draft new London Plan.

5.33 In addition to that set out above, the work programme for the Planning Policy Team over the next six months will also include:

- The bringing 'in-house' of the hosting and management of Haringey's Self-build and Custom-build Register, introducing a local connection test, a financial capability test and registration fees.
- Work on progressing the Highgate School Supplementary Planning Document (SPD).
- Now referring to updated Greater London Authority child yield calculators to ensure provision of play space and education contributions from new developments are based on the latest evidence, as set out in a report to Housing and Regeneration Scrutiny Panel on 10 June 2019.
- Further refinement to the monitoring processes for housing and employment floorspace with the next Annual Monitoring Report (AMR) 2018-19 being published in December 2019.
- Continuing to engage constructively, actively and on an ongoing basis with our neighbouring authorities over their emerging strategies and plans, especially on cross boundary issues of importance to Haringey, as part of our statutory 'duty to cooperate'.
- Continuing to input into other corporate and regeneration documents and strategies.
- Continuing to keep abreast of further proposed planning and housing reforms emerging from central Government. An 'Accelerated Planning Green Paper' is expected to be published by the Government in autumn 2019.

Local Plan

5.34 The emerging draft timescales for the new Local Plan are:

- September 2019 – London Plan Inspectors' Report (leading to publication/adoption early 2020)
- 2019-2020 – Local Plan scoping & evidence base commissioning
- February 2020 – Local Plan Issues and Options agreed at Cabinet for consultation
- March-May 2020 – Consultation
- Late 2020 – Draft Local Plan consultation (Regulation 18)
- 2021 – Proposed Submission Local Plan consultation (Regulation 19)
- 2021 – Submission to Secretary of State and Examination, consultation on modifications, and Examiner's Report (Regulations 22-25)

- Early 2022 – Adoption

- 5.35 The Local Plan 'Issues and Options' consultation document will allow residents and businesses to shape the new Local Plan right from the beginning.
- 5.36 It will ask open questions, allow people to identify the key planning issues Haringey faces, and express preferences for various possible options.
- 5.37 Member working groups will help shape the Issues and Options consultation, which will also feature workshops for residents, businesses and groups (such as schools / young people, disability and access groups etc) and will be supported by online engagement tools too to widen participation.
- 5.38 It is expected the Issues and Options and subsequent draft Local Plan will be structured around the Borough Plan priorities of Housing, People, Place and Economy and also align with the London Plan chapters and policies on Spatial Development Patterns / Opportunity Areas, Design (inclusivity, accessibility, tall buildings), Housing (targets, affordability, tenure, viability, size mix), Social Infrastructure (health, education, play, sport), Economy (offices, workspace, industry, retail), Heritage and Culture (conservation areas, creative industries, night time economy), Green Infrastructure and Natural Environment (open space, urban greening, biodiversity), Sustainable Infrastructure (air quality, greenhouse gas emissions, digital, waste, flooding) and Transport (healthy streets, cycling, car parking)
- 5.39 The Issues and Options document will explore and consult on how the new Local Plan should supersede existing Local Plan documents including the Strategic Policies, Development Management Policies, Site Allocations and the Tottenham Area Action Plan (AAP). The Wood Green AAP will continue on a separate timetable as it is already at an advanced stage.

Conservation

- 5.40 From January to February 2019, the Council consulted on four new Conservation Area Appraisals and Management Plans (CAAMPs): Tower Gardens; Peabody Cottages; Bruce Castle; and Tottenham Cemetery. Finalised documents are being reported to Regulatory Committee for review and endorsement prior to adoption at the 9 July 2019 Cabinet meeting. Feedback from Regulatory Committee on 1 July 2019 will be forwarded to the Cabinet meeting to inform the final decision. The next tranche of draft CAAMPs will be reported to Regulatory Committee later in 2019 for review and endorsement prior to public consultation. Some of the CAAMPs recommend updates or changes to Article 4 Directions which remove permitted development rights meaning that planning permission is required for certain development, and these will be reported to Regulatory Committee in due course.
- 5.41 From January to February 2019, the Council also consulted on a draft update to Haringey's Local Heritage List (i.e. the list of buildings and structures that have local heritage interest warranting recognition in the planning process, while not

meeting the criteria for statutory designation). A revised draft will be reported back to Regulatory Committee in due course in advance of a second and final consultation.

- 5.42 The team continues to make a major contribution to supporting planning officers in dealing with planning applications affected the Borough's heritage, as well as providing input at the pre-application stage.

Transportation Planning

- 5.43 The team's priority continues to be the delivery of the Haringey Transport Strategy which was adopted in March 2018. A significant source of funding for transport infrastructure is the Local Implementation Plan (LIP) Fund given by the Mayor of London to the boroughs. This fund, which has been substantially static over the last two years, needs to be bid for. The new LIP covering the next three years was consulted on from December 2018 to January 2019 and subsequently submitted to Transport for London. The LIP was formally approved by the Mayor of London / Deputy Mayor for Transport on 10 June 2019. The LIP will continue to fund transport projects in Haringey to help the borough become more cycling and walking friendly, as well as fund essential road safety and maintenance works.
- 5.44 The Council is working towards a Cabinet decision to expand car clubs in the borough, including expanding 'floating' or 'flexible' car clubs in addition to 'fixed bay' or 'point to point' clubs.
- 5.45 The Liveable Neighbourhood in Crouch End is underway with appointed consultants. Community engagement took place from late 2018 to January 2019 and an engagement report was published in May 2019. There will be further public consultation once the proposals are developed further. The project is funded over four years and the team will assist the council's Sustainable Transport and Highways team to commence and further develop the bid this year. The Council is hosting a Liveable Neighbourhoods Conference on 10 July 2019 and is considering whether to bid for another Liveable Neighbourhood scheme in the 2019 round.
- 5.46 The Council is working with Transport for London to develop a new 'Cycle Future Route 2' which will run from Tottenham Hale to Camden Town. Initial public engagement was held in March 2019 and detailed designs are being worked on. Formal public consultation on the detailed designs has been postponed from summer 2019 to 2020.

Infrastructure and Developer Contributions through S106/CIL

- 5.47 15% of Community Infrastructure Levy (CIL) money collected from new development must be spent on projects in the local area to address demands that development places on that area. We received around 600 responses to our initial online consultation which ran from October to November 2018. A further consultation will be undertaken later in 2019 when the results for each of the CIL neighbourhood areas will be published on the website, along with more targeted

area engagement, which aims to establish a prioritised list of local projects for each CIL neighbourhood area.

- 5.48 In May 2019 the Government laid new CIL Regulations in parliament which includes a new requirement for CIL charging authorities to publish an annual Infrastructure Funding Statement (IFS) from December 2020 to provide information to residents on the CIL and Section 106 monies received and the subsequent infrastructure projects delivered. The Council is scoping out the staff and information technology resources required to meet this new statutory requirement.
- 5.49 This is running in tandem with a health check of our CIL and S106 administration and management processes, in order to ensure we are able to best manage the collection and spend of funds now that their collection is increasing as developments are implemented. The aim is to clearly articulate the benefits being delivered through new development. The report is currently being finalised and an action plan will be produced to implement the recommendations.
- 5.50 Regarding the partial review to the CIL Charging Schedule, expert viability consultants are working on a viability evidence base to ensure the proposed new rates do not detrimentally affect delivery of development and are in conformity with the Council's planning policies for affordable housing and tenure. In particular, extra work has needed to be undertaken to ensure the proposed rates take into account the recently revised Appendix C (March 2019) of the Council's Housing Strategy and do not prejudice the ability of the Council to revise affordable housing planning policies in terms of headline percentage and tenure mix in the forthcoming new Local Plan. The Draft Charging Schedule will come to Regulatory Committee and Cabinet in 2019 for approval for public consultation.

BUILDING CONTROL

- Fee earning Applications received 2019/20 (Apr – 19 June) - 215
 - Fee earning Applications received 2018/19 (Apr – 19 June) – 234
 - Fee income from applications 2019/20 (Apr – 19 June) – £230K
 - Fee income from applications 2018/19 (Apr – 19 June) – £280K
 - Site inspections 2019/20 (Apr – 19 June) – 1,318
 - Site inspections 2018/19 (Apr – 19 June) – 1,697
- 5.51 Fee earning applications over the year were slightly lower than last year, in addition fee income was also lower. Site inspections, an ever more critical element of our work and how we ascertain compliance, were slightly up over the year. Building Control continue to be asked to check applications outside of our Borough (a sign that we are considered contactable, approachable and reliable), although we have to be careful in not taking on more applications than we can service, especially as the work on the major sites in the Borough are becoming more surveyor intensive, requiring more and more inspections. Fee income continues to look positive, partly due to larger projects, such as Clarendon Road and THFC being on site as well as works starting on further large schemes within

the Borough. The New THFC Stadium finally hosted its first event in April, but work continues at the Stadium that we continue to inspect, in order that we can issue the permanent Safety Certificate. At present Building Control are inspecting every event at the Stadium in order to ensure that the Club are complying with the requirements of the Safety Certificate and will continue issuing the interim Safety Certificate until the Stadium is formally completed.

5.52 Dangerous Structures have as always been ever prevalent, both within normal office hours and outside office hours with the team being “called upon” over 191 times last year and 43 times so far since 1st April.

5.53 BC consult continues to grow in stature providing affordable expert advice to other Council services. This advice ranges from party wall agreements to feasibility studies to structural surveys to structural repairs to bridge inspections and strengthening to highways related works and so on. The consultancy work continues to grow and is widely used by colleagues in Homes for Haringey and continues to be respected throughout the Council. This growth has also been reflected in the fee income for this service, with the gross income for this area of work targeted at around £400K.

5.54 Our restructure process has now bedded in and whilst we are struggling trying to appoint permanent Building Control Surveyors, we have successfully appointed an agency surveyor who has fitted well into the team. The first part of the year has continued to be a challenge for the Building Control sector in general, with Building Control remaining in the news, due to the final Hackitt report along with continuing Government consultations. It is still too early to judge exactly what direction the Government will take, but the outcome of the current consultation entitled ‘Building a Safer Future’ will go some way in determining this. Haringey Building Control along with colleagues across London have already developed an action plan that we are beginning to action that will put us in a very good position, whatever direction the Government finally takes – this includes implementing ISO Standards that have been developed on our behalf by Local Authority Building Control (LABC), signing up to the LABC fire safety validation process, holding meetings with both the London Fire Brigade (LFB) and the Health and Safety Executive (HSE) and discussing schemes (from a fire safety point of view) with colleagues in Planning at a very early stage in the planning process.

MEMBERS

5.55 Training has taken place on Making Defendable decisions as well as the annual Planning Training refresher. A site visit to Kings Crescent Estate in Hackney is taking place on 5 July and the member training offer is being refreshed.

6. Contribution to strategic outcomes

The Planning Service contributes to outcomes in Priority 4 and 5.

7. Local Government (Access to Information) Act 1985

Planning Applications are on the Planning Register on the Council’s website and the Local Plan Documents are also on the Council’s website.

APPENDIX ONE

Definitions of Categories of Development

Major Development

- 10+ dwellings / over half a hectare / building(s) exceeds 1000m²
- Office / light industrial - 1000+ m² / 1+ hectare
- General industrial - 1000+ m² / 1+ hectare
- Retail - 1000+ m² / 1+ hectare
- Gypsy/traveller site - 10+ pitches
- Site area exceeds 1 hectare

Minor Development

- 1-9 dwellings (unless floorspace exceeds 1000m² / under half a hectare)
- Office / light industrial - up to 999 m² / under 1 hectare
- General industrial - up to 999 m² / under 1 Hectare
- Retail - up to 999 m² / under 1 hectare
- Gypsy/traveller site - 0-9 pitches

Other Development

- Householder applications
- Change of use (no operational development)
- Adverts
- Listed building extensions / alterations
- Listed building demolition
- Application for relevant demolition of an unlisted building within a Conservation Area
- Certificates of Lawfulness (191 and 192)
- Notifications
- Permissions in Principle (PiP) and Technical Detail Consent (TDC)

PS0

Approval of details, discharge of conditions, non-material amendments