

Report for: Regulatory Committee 16 January 2020

Title: Planning Services 2019/20 October-December update

Report

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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 –October - December 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 (Q3) to date work report

Development Management

- Applications during **2019/20: 2340**
- Applications in same period **2018/19: 2665**
- Number of cases on-hand end of December 2019: **464**
- Appeals during **2019/20: 85**
- Appeals dismissed (won) during **2019/20: 65**
- Cumulative performance (applications in time) **2019/20:**
 - Majors : **100%**
 - Minors : **94%**
 - Others : **97%**
 - PSO : **91%**
 - 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 remained in the top quartile in London at 94%. 'Other' applications are also maintained at top quartile in London at 97%. Performance has continued to improve and we expect to continue to be top quartile in all categories.
- 5.2 In 2019/20 April – December we have decided a total of 15 'Major' applications compared to 20 decided during the same period in 2018/19. The average time of decision has decreased from 250 to 165 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 – December we have decided 327 'Minor' applications compared to the 394 'Minor' applications decided during the same period in 2018/19. The average decision day has slightly decreased from 78 to 76. During 2019/20 we have decided 826 'Other' applications compared to the 914 'Other' applications decided during the same period in 2018/19. The cumulative average decision time has slightly increased from 56 days to 61 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 remained at an average of 11 days compared to 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 The end to end times and the overall numbers of applications received, approved, and refused over previous years is 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	2019/20 April – Dec)
Received	2951	3479	3907	4019	3399	3574	2340
Approved	2372	2807	2935	3255	2659	2963	1991
Refused	338	470	709	506	385	356	245
Average day	73	76	69	61	54	62	62

- 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 December 2019, there are currently 464 on hand applications. The number of applications over 26 weeks is now at around 99. These cases are all complex or awaiting section 106 sign off.

Pre-application advice

- 5.6 During 2019/20 (April – December) there have been 105 pre-application meetings generating a total of £243,764 of income compared to £175,066 generated from 130 pre-application meetings last year within the same period. In 2019/20 (April – December) there have been 76 householder pre-application meetings generating £26,202 of income compared to £29,272 generated from 90 last year within the same period.
- 5.7 The use of Planning Performance agreements (PPA's) has decreased over previous years and so far this year the service has received £196,000 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.

Planning Decisions

- 5.9 The Planning Committee has met 7 times so far this year (April – December) and has resolved to grant planning permission for 494 residential units in full and 198 units at reserved matters stage and 4,744 sq.m. of commercial floorspace and a hotel. It resolved to refuse against officer recommendation 1 residential unit.
- 5.10 The fourth of the government thresholds relates to overturns of refusals (officer and committee) on major applications on appeal. We are currently at 4.92% 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 3 more to take us over the threshold. We have 3 major appeals pending.

- 5.11 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
- 5.12 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.
- 5.13 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.

5.14 Haringey's performance at present is as follows:

Type of application	Number of apps	Number of appeals	Number of overturns	% (Threshold 10%)
Majors	60	7	3	4.92

5.15 The Service were successful in defending the appeals at Brownlow Road and Kerswell Close. We now have 3 additional live appeals on major applications (Ashley Park, Guildens and Westbury Court). All of these appeals have the potential for our decision to be overturned. Additionally the Kerswell Close appeal decision has been challenged by the appellant. This, combined with a fall in the number of applications being submitted, puts us in a situation of being near to the designation threshold.

5.16 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	7	5	8.3%

5.17 Obviously the Service is doing all it can to defend these appeals and the service is likely to escape designation unless the Kerswell decision is overturned.

- 5.18 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.
- 5.19 If we do breach the threshold we will construct a case against designation with potential mitigating factors.
- 5.20 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.
- 5.21 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.
- 5.22 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.
- 5.23 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.

5.24 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 – December):575
- Enforcement notices served during 2019/20 (April – December): 37

5.25 92% of the complaints were acknowledged within one working day of receipt. This is an improvement from 87% last year this time.

5.26 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. The highlight was the conviction of landlord who had converted two of his properties into 16 flats in total. The same landlord had previously been prosecuted for a similar offence. The Council is pursuing confiscation proceedings against the landlord which hopefully will serve as a deterrent.

5.27 Planning Enforcement successfully challenged the Secretary of State's decision in the High Court to allow an appeal against an enforcement notice based on the legal definition of a building. The decision has been remitted to the Secretary of State for re-determination.

5.28 Furthermore, Planning Enforcement have completed the review into whether the Wards Corner s106 agreement has been breached and any attendant issues that arose out of that. The report into their findings has been published on the Council's website.

PLANNING POLICY AND INFRASTRUCTURE

Planning Policy

5.29 The Wood Green Area Action Plan (AAP) is dependent on the final confirmation of the proposals for the Council's own sites following a Cabinet decision on Council Owned Sites in Wood Green in July 2019 with further Cabinet decisions expected in spring 2020. In the interim, the Planning Policy Team continues to

work with Regeneration colleagues to strengthen the evidence base relating to the Transport Study, Place Making Manual, employment floorspace needs and the emerging Wood Green Corner / Station Road design process.

5.32 The North London Waste Plan (NLWP) examination hearings took place on 20-21 November 2019. The NLWP committed to drafting some proposed modifications to the Plan at the hearings which will be consulted on in spring 2020. These include some points of clarification relating to the Pinkham Way area regarding flood risk, nature conservation and land ownership. Following that consultation, the independent inspector's report will be expected in summer 2020 with adoption later in 2020 or early 2021.

5.33 The Inspector's Panel report on the Draft London Plan was published on 21 October 2019. The Mayor published his responses to the Panel report and his 'Intend to Publish' version of the London Plan on 17 December 2019 which has also been sent to the Secretary of State who has 6 weeks to consider it. The Plan will then go before the London Assembly before being 'published' as part of the statutory development plan in spring 2020. The Mayor has accepted the recommendation from the Panel that the housing target for Haringey (which is currently 1,502 homes per year) proposed in the original draft London Plan of 1,958 is reduced to 1,592 homes per year. This is as a result of representations from Haringey and other London Boroughs which had similar concerns about the unrealistic draft target. The Mayor has also accepted a recommendation to do a London-wide Gypsy and Traveller accommodation needs assessment and to support boroughs in making provision.

5.34 Other elements of the work programme for the Planning Policy Team also include:

- The Brownfield Land Register was updated in December 2019, an annual legal requirement.
- A draft Highgate School Supplementary Planning Document (SPD) will be published in spring 2020 for public consultation, working towards adoption later in 2020.
- The Annual Monitoring Report (AMR) 2018-19 will be published in January 2020 and is reported to Regulatory Committee as a separate agenda item for information. An All Member Briefing was held on housing targets, the 5 Year Housing Land Supply (5YHLS) and the Housing Delivery Test on 6 January 2020.
- An 'Accelerated Planning White Paper' is expected to be published by the Government imminently, as confirmed in the Queen's Speech on 19 December 2019. It is expected that this will propose changes to planning application fees, and further set out the Government's ambition to allow homes to be built above existing properties or in place of demolished commercial buildings without the need for formal planning permission.

Local Plan

5.35 The Local Development Scheme (LDS) is a document which sets out the timetable for Local Plan documents. The LDS was approved at Cabinet on 12 November 2019. The timescales for the new Local Plan are:

- March-May 2020 – Local Plan Issues and Options consultation
 - October-December 2020 – Draft Local Plan consultation (Regulation 18)
 - April-June 2021 – Proposed Submission Local Plan consultation (Regulation 19)
 - July-December 2021 – Submission to Secretary of State and Examination, consultation on modifications, and Examiner’s Report (Regulations 22-25)
 - February 2022 – Adoption (Regulation 26)
- 5.36 The Local Plan ‘Issues and Options’ consultation document will allow residents and businesses to shape the new Local Plan right from the beginning. 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.
- 5.40 Work has commenced on an Integrated Impact Assessment (IIA) for the Local Plan which makes sure that emerging policies in the Local Plan have an overall positive impact on sustainability, equalities, health and habitats. This covers the requirements for Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA), Equalities Impact Assessment (EqIA), Health Impact Assessment (HIA) and Habitats Regulations Assessment (HRA).

Conservation & Design

- 5.41 On 10 September 2019 Cabinet agreed to make updated and extended non-immediate Article 4 Directions which remove permitted development rights meaning that planning permission is required for certain development in Noel Park, Peabody Cottages, Rookfield Estate and Tower Gardens Conservation Areas. The Article 4 Directions were formally ‘made’ on 16 December 2020 and

are subject to an eight week public consultation from 18 December 2019 to 11 February 2020. Subject to consultation responses, the Directions will be 'confirmed' and take effect on 21 December 2020.

Infrastructure and Developer Contributions through S106/CIL

- 5.42 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 (25% where there is an adopted Neighbourhood Plan, as in Highgate). This is known as Neighbourhood CIL (NCIL). The Council received around 600 responses to an initial online 'Round 1' consultation which ran from October to November 2018. Cabinet will consider a report on NCIL distribution and 'Round 1' project spend in early 2020. A further 'Round 2' consultation will be undertaken from January to March 2020 with engagement from Members, residents and Neighbourhood Forums. The Council will be trialling a new interactive 'Built ID / Give My View' software package to encourage engagement from 'harder to reach' groups.
- 5.43 In May 2019 the Government laid new CIL Regulations in parliament which included a new requirement for CIL charging authorities to publish an Annual Rate Summary in December every year showing how the existing approved Charging Schedule rates have increased over time with inflation, known as 'indexation'. The Council published its Annual Rate Summary in December 2019.
- 5.44 The CIL Partial Review: Draft Charging Schedule (DCS) Consultation was approved at Cabinet on 12 November 2019. The DCS proposes increasing the CIL rate for residential development in the eastern zone of the borough from £15 per square metre to £50. The DCS also proposes an increase in the CIL rate for student accommodation from £15 to £85 and introduces CIL charges for two new specialist housing uses which are Build to Rent at a rate of £100 and warehouse living at £130. An eight week public consultation from 18 December 2019 to 11 February 2020 is now open. Following this, the DCS will be submitted for independent examination and will require final approval by Council to take effect in early 2021.

BUILDING CONTROL

- Fee earning Applications received 2019/20 (Apr – Dec) – 1017
 - Fee earning Applications received 2018/19 (Apr – Dec) – 756
 - Fee income from applications 2019/20 (Apr – Dec) – £461K
 - Fee income from applications 2018/19 (Apr – Dec) – £440K
 - Site inspections 2019/20 (Apr – Dec) – 4,403
 - Site inspections 2018/19 (Apr – Dec) – 5,086
- 5.45 Fee earning applications in the period show an increase, but this is largely due to a significant number of reroofing schemes from Homes for Haringey, in addition fee income is slightly higher (although this does not yet include the HfH

schemes). 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 is 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 has now hosted 28 events (including the NFL matches), work continues at the Stadium and it is hoped that the permanent Safety Certificate will be issued in the next quarter. Discussions are taking place regarding the proposed Summer events and the next phases of work. At present Building Control continue to inspect 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.

- 5.46** Dangerous Structures have as always been ever prevalent, both within normal office hours and outside office hours with the team being “called upon” over 135 times so far since 1st April. The dangerous structure that went to Court (for formal enforcement) has now been resolved and the danger removed.
- 5.47** 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 continuing to be around £400K.
- 5.48** 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 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. Haringey Building Control provided a full robust response to the Government’s consultation in the summer and we are still awaiting the outcome (this was due before Christmas but has been delayed due to the General Election). 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. Building Control has successfully achieved the ISO accreditation and all the surveyors in Building Control have over the last 5 months passed the Level 6A fire safety competency exams, which makes Haringey Building Control one of

the most competent Building Control offices in the Country, being ideally positioned for the challenges ahead. This has also created other problems, in that all our surveyors are highly sought after and unless we can pay them competitive rates, we run the real risk of losing them to other Building Control providers. The last three months has also seen significant problems with private building control bodies, with several of them failing to renew/obtain the insurance that they require to operate. This has led to them cancelling their applications with us and reverting to Haringey Building Control – this has had several positives along with a number of negatives and has had a major impact on our workload over the period.

MEMBERS

5.49 A visit to Thamesmead estate took place in October 2019. A daylight/sunlight training session will take place on 13 January 2020. Further training sessions and visits are planned.

6. Contribution to strategic outcomes

The Planning Service contributes to outcomes in Priority 1, 3 and 4 of the Borough Plan.

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