

Report for: Regulatory Committee 5 October 2020

Title: Planning Services 2020/21 Quarter 2 Update

Report authorised by: Rob Krzyszowski, Interim Assistant Director, Planning, Building Standards & Sustainability

Lead Officer: Dean Hermitage, Head of Development Management
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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 during July to September 2020.
- 2. Recommendations**
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. Planning Services 2020/21 Quarter 2 Update**

Development Management

- Applications during 2020/21 (1st April – 11th September): **1,301**
- Applications in same period 2019/20: **1,526**
- Number of cases on-hand end of August 2020: **513**
- Appeals decided during 2020/21 (1st April – 11th September): **11**
- Appeals dismissed (won) during 2020/21 (1st April – 11th September): **9**
- Cumulative performance (applications in time) 2020/21 (1st April – 11th September):
 - Majors: **100%**
 - Minors: **93%**
 - Others: **97%**
 - PSO: **90%**

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 93%. 'Other' applications are also maintained at top quartile in London at 97%. Performance remains steady and we expect to continue to be top quartile in all categories.
- 5.2 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 measures 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%). The second of the government thresholds relates to performance on minor and other applications over a two year period. We are at 96% 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 1% on this measure (the threshold is to remain below 5%).
- 5.3 So far in 2020/21 (1st April – 11th September) we have decided a total of 6 'Major' applications compared to the 9 decided during the same period in the previous financial year. The average time of decision has decreased from 147 to 130 days between these time periods, and 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 this year has reduced over previous years.
- 5.4 During 2020/21 (1st April – 11th September) we have decided 181 'Minor' applications compared to the 205 'Minor' applications decided during the same period in the previous financial year. The average decision day slightly increased from 76 to 82 days (a result of Covid-19 lockdown preventing public consultation, and thus slowing the process, throughout April and the first half of May).
- 5.5 During 2020/21 (1st April – 11th September) we have decided 472 'Other' applications compared to the 520 'Other' applications decided during the same period in 2019/20. The cumulative average decision time has increased from 61 days to 67 days (again due to lockdown).
- 5.6 The length of time taken to validate an application is at an average of 6 days, however this is a product of the systems thinking approach where there is a delay before validation rather than before decision.
- 5.7 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 continue to be a focus for the coming year:

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021 (1 st April – 11 th Sept)
Received	2951	3479	3907	4019	3399	3574	3094	1301
Approved	2372	2807	2935	3255	2659	2963	2576	1059
Refused	338	470	709	506	385	356	314	190
Average day	73	76	69	61	54	62	63	67

5.8 Officer caseloads have remained at around 40 throughout the 2020/21 financial year. The number of on hand applications is slightly lower than at 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 August 2020, there were currently 447 on hand applications. The number of applications over 26 weeks is now at around 91. These cases are all complex or awaiting section 106 sign off.

Pre-application advice

5.9 During 2020/21 (1st April – 11th September) there have been 51 pre-application meetings generating a total of £123,638 of income compared to £150,882 generated from 65 pre-application meetings last year within the same period. During 2020/21 (1st April – 11th September) there have been 26 householder pre-application meetings generating £8,000 of income compared to £15,601 generated from 45 last year within the same period.

5.10 The use of Planning Performance agreements (PPAs) during the period 2020/21 (1st April – 11th September) has generated £88,507 in income from these agreements, compared to £64,953 last year within the same period.

5.11 Meeting the deadline for providing advice following pre-application meetings is steadily improving and continues to be a focus for the team.

Planning Decisions

5.12 The Planning Committee has met 3 times in 2020/21 so far (June, July and September) and resolved to grant planning permission for a zero carbon industrial park, 111 homes (10 of these were new council homes) and workspace.

5.13 It resolved to refuse against officer recommendation one application for 19 residential units and a retail unit.

5.14 The final government threshold relates to overturns of refusals (officer and committee) on major applications on appeal. We are currently at 7.55% on this measure (the threshold is to remain below 10%). It should be noted that because of 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 2 more losses to take us over the threshold. We have 2 major appeals pending.

5.15 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.

5.16 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 2021 will be used for designation decisions in Q1 2021/22. This allows for applications to be decided between April 2019 and March 2021 and a 9 month lag back to September 2018 for appeals to be decided (31 months). The average percentage figure for the assessment period as a whole is used.

5.17 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.

5.18 Haringey's performance at present is as follows:

Type of application	Number of apps	Number of appeals	Number of overturns	% (Threshold 10%)
Majors	53	6	4	7.55

5.19 The Service has been relatively successful in defending major appeals. We have 2 live appeals on major applications. It is possible our decisions may be overturned. Bearing in mind a fall in the number of applications being submitted, losing a major appeal becomes significant.

5.20 Potential performance figures in March 2021 taking account of the appeals:

Type of application	Potential Number of apps	Number of appeals	Potential Number of overturns	Potential % (Threshold 10%)
Majors	50	6	5	10%

5.21 Obviously the Service is doing all it can to defend these appeals and the service is likely to avoid designation. If we were to lose one pending appeal within this municipal year, we would potentially be at the 10% threshold. The Planning Inspectorate is experiencing delays which have meant that it has not met its own timescales. The knock on effect is that appeals are taking longer to validate and decide.

5.22 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.
- 5.23 If we do breach the threshold we will construct a case against designation with potential mitigating factors. This would include reference to our exceptional performance in all other areas.
- 5.24 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.
- 5.25 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.
- 5.26 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.
- 5.27 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.

5.28 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 2020/21 (1st April – 11th September): 385
- Enforcement notices served during 2020/21 (1st April – 11th September): 30

5.29 Of the complaints 93% were acknowledged within one working day of receipt. This measure is relatively static.

5.30 The Planning Enforcement Team continues to seek 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 (these take a significant length of time). The Council is pursuing confiscation proceedings against a landlord, that could amount to a six-figure sum, which hopefully will serve as a deterrent.

5.31 Planning Enforcement officers have a backlog of site visits as a result of the Covid-19 lockdown. In addition, there are ongoing site access issues partly due to the need for social distancing which might impact on service delivery for the remainder of the year.

Member Training & Site Visits

5.32 The last Member visit, to the Thamesmead estate, took place in October 2019 and a daylight/sunlight training session took place in January 2020. Further training sessions are being planned in October 2020, December 2020 and at least one more before end of municipal year. A learning site visit is unlikely to take place in 2020.

Planning Policy & Infrastructure

New Local Plan

5.33 In November 2019 Cabinet agreed an update to the Council's Local Development Scheme (LDS) setting out that a New Local Plan would be prepared by 2022 to replace the suite of existing Local Plan documents which were adopted in 2017. The New Local Plan is required to:

- Take account of the new National Planning Policy Framework (NPPF) (2019);
- Take account of the emerging New London Plan;
- Reflect the Council's new Borough Plan (2019);
- Respond to the Climate Emergency declared by the Council in 2019;
- Support the borough's recovery and renewal from Covid-19; and
- Meet legal and policy requirements for the Council to have an up-to-date plan and a 5 Year Housing Land Supply.

5.34 The timetable for preparing the New Local Plan is set out in the table below.

Document	Regulation	Revised date
New Local Plan First Steps Engagement consultation	Reg 18	November 2020-January 2021
Draft Local Plan consultation	Reg 18	2021
Proposed Submission Local Plan consultation	Reg 19	2021
Submission & Examination	Reg 22-25	2021/22
Adoption	Reg 26	2022

5.35 The New Local Plan First Steps Engagement consultation is the first step in preparing the New Local Plan and will provide the opportunity for residents, businesses and other local stakeholders to shape the New Local Plan from the beginning, identifying key issues and challenges the borough faces and preferences for various possible options. It is intended to begin a conversation about the direction of New Local Plan and as such it does not contain draft policies.

5.36 Approval will be sought from Cabinet on 13 October 2020 to consult on the **New Local Plan First Steps Engagement document**. A separate report has been prepared for Regulatory Committee in relation to the New Local Plan First Steps Engagement which includes the draft Cabinet report and the First Steps Engagement document as an appendix.

5.37 The drafting of the document was informed by the **New Local Plan Member Working Group** comprising members of Regulatory Committee. Four meetings took place during July and August 2020 covering the four Borough Plan Priorities plus Town Centres.

5.38 Work has commenced on an **Integrated Impact Assessment (IIA)** for the New 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). Alongside the New Local Plan First Steps Engagement document an IIA Scoping Report has been prepared for consultation. The IIA Scoping Report forms the

initial 'Stage A' of the IIA process and consists of a collection of baseline data and information on other plans, policies and programmes that can have an influence on the production of the New Local Plan. The Scoping Report establishes the context and determines the scope of the subsequent IIA report.

- 5.39 As this the **first opportunity for residents, business and other local stakeholders to help shape the New Local Plan** and the scope of the consultation is very broad it is proposed that the New Local Plan First Steps Engagement document and accompanying IIA Scoping Report are published for public consultation for at least 8 weeks. It is also considered that this extra time is necessary to support effective engagement in a period where Covid-19 is having major impacts on the lives of residents and businesses. Subject to Cabinet approval, the consultation will take place from mid-November 2020. A comprehensive Communications and Engagement Plan has been prepared to ensure compliance with the Statement of Community Involvement (SCI) and support the objective of achieving effective, representative engagement with the public and key stakeholders.
- 5.40 In line with national policy and guidance the New Local Plan must be informed and supported by a relevant and up-to-date **evidence base** that is adequate and proportionate. Consultancy ORS is currently undertaking a new **Strategic Housing Market Assessment (SHMA)** and **Gypsy & Traveller Accommodation Assessment (GTAA)** for the New Local Plan and for the Council's new Housing Strategy, jointly with the Housing service. Consultancy Oxford Archaeology is currently carrying out a comprehensive review of **Archaeological Priority Areas** for the borough in support of the New Local Plan. Further evidence will be commissioned in late 2020 to inform the emerging Plan.

Other planning policy workstreams

- 5.41 On 6 August 2020 the Government published two documents for consultation. The first is titled '**Current Changes to the Planning System**' and the second is its '**Planning for the future: White Paper**'. A separate report has been prepared for Regulatory Committee on the two consultations and the Council's response to them.
- 5.42 The Mayor published his 'Intend to Publish' version of the **London Plan** on 17 December 2019. In line with a legal requirement to do so, the Mayor sent his Intend to Publish London Plan to the Secretary of State for his consideration. On 13 March 2020 the Secretary of State responded to the Mayor raising a number of concerns about the Plan particularly around future housing delivery and directing that a series of modifications be made before it is published, including to its employment policies. The Mayor and the Secretary of State are currently in dialogue to agree final wording of the London Plan.
- 5.43 The **North London Waste Plan (NLWP)** examination hearings took place on 20-21 November 2019. The NLWP team has subsequently drafted 'post-hearing' proposed modifications to the Plan, which, subject to agreement and approval by the Council and the other North London boroughs, will be consulted on in Autumn 2020. These include some points of clarification relating to the Pinkham Way

area. Following that consultation, the independent inspector's report will be expected in early 2021 with adoption later in 2021.

- 5.44 A **Draft Highgate School Supplementary Planning Document (SPD)** was agreed for consultation by Cabinet in March 2020. Consultation has been delayed until later in 2020 due to the Covid-19 crisis.
- 5.45 An **Article 4 Direction** to prevent changes of use from office to residential without planning permission was agreed by Cabinet in March 2020 and legally 'made' on 16 April 2020. Consultation on the Direction ran from 26 June to 7 August 2020 following a delay due to the Covid-19 crisis. The consultation responses are currently being collated and analysed. Subject to this analysis the Direction could take effect in June 2021.
- 5.46 An eight week consultation from 18 December 2019 to 11 February 2020 on the **CIL Partial Review: Draft Charging Schedule (DCS)** proposed increasing the CIL rate for residential development in the eastern zone of the borough from £15 per square metre to £50. The DCS also proposed an increase in the CIL rate for student accommodation from £15 to £85 and to introduce CIL charges for two new specialist housing uses which are Build to Rent at a rate of £100 and warehouse living at £130. The next stage is for the DCS to be submitted for independent examination and, subject to that examination being successful, will require final approval by the Council to take effect in 2021. A key issue that will be scrutinised as part of the examination will be the financial viability of the increased charges, particularly in the context of the Covid-19 crisis and the consequential economic impact and uncertainty.
- 5.47 The further progress of 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 now expected in 2021. In the interim, the Planning Policy Team continues to work with the Regeneration service to strengthen the evidence base and ensure appropriate reference in the emerging New Local Plan.
- 5.48 A new **Housing Delivery Test Action Plan** was approved by Cabinet in July 2020 and published in August 2020.
- 5.49 The **Authority Monitoring Report (AMR) 2018-19** was published in January 2020 and was subsequently reported to Regulatory Committee for information. The Planning Policy Team has started preparing the AMR 2019-20 which will be published in December 2020.

Building Control

- Fee earning applications received 2020/21 (Apr – Sept*) – 766
 - Fee earning applications received 2019/20 (Apr – Sept*) – 1043
 - Fee income from applications 2020/21 (Apr – Sept*) – £277K
 - Fee income from applications 2019/20 (Apr – Sept*) – £341K
 - Site inspections 2020/21 (Apr – Sept*) – 2,143
 - Site inspections 2019/20 (Apr – Sept*) – 3,133
- *September = 22 September

- 5.50 Fee earning applications over the corresponding period show a 25% decrease due to Covid-19, although the fee income decrease is slightly lower at 20% - it is hoped that some of this income deficit can be recouped via the Government's income compensation scheme. Building Control continues 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 Tottenham Hale schemes being on site. The New THFC Stadium has now hosted 45 events (including a number of matches 'Behind Closed Doors' as part of the Premier League/Government's 'Project Restart' initiative). Work continues at the Stadium and it is hoped that the permanent Safety Certificate will be issued early in the new football season. Building Control continues to be a key link between the Council and the Football Club.
- 5.51 Dangerous Structures have as always been ever prevalent, both within normal office hours and outside office hours with the team being called upon over 80 times so far since 1st April, including several major dangerous structures that have been classed as major incidents. During this period we have also served 2 formal Dangerous Structure Notices.
- 5.52 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.
- 5.53 During this period, the Government has issued the draft Building Safety Bill. The Government accepted the recommendations of the Hackitt Review and this draft Bill, which, alongside the existing Fire Safety Bill and fire safety consultation will set out the biggest improvements to building safety in nearly 40 years. Haringey Building Control along with colleagues across London has already developed an action plan that we are beginning to action that has put us in a very good position to be able to respond to the proposed challenges, 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 (currently being audited) and all the surveyors in Building Control have successfully 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 within the draft Building Safety Bill.

5.54 The last six months have been challenging for everyone, due to Covid-19. Clearly applications, site visits and fees are down in this period, but are slowly continuing to recover. Other aspects of our work have continued to return to normal, with elements at the same level or greater than at the same period last year.

6. Contribution to strategic outcomes

6.1 The Planning Service contributes to all Priorities 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