

Report for: Regulatory Committee - 25 February 2021

Title: Planning Services 2020/21 Quarter 4 Update

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

Lead Officer: Dean Hermitage, Head of Development Management
Bryce Tudball, Planning Policy Team Manager
Bob McIver, Head of Building Control

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 January to February 2021.
- 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 4 Update**

Development Management

- Applications during 2020/21 (1st April – 31st January): **2,702**
- Applications in same period 2019/20: **2,596**
- Number of cases on-hand end of January 2021: **547**
- Appeals decided during 2020/21 (1st April – 31st January): **45**
- Appeals dismissed (won) during 2020/21 (1st April – 31st January): **34**
- Cumulative performance (applications in time) 2020/21 (1st April – 31st January):
 - **Majors: 100%**
 - **Minors: 94%**
 - **Others: 97%**
 - **PS0: 91%**

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 (joint 1st). Our performance for 'Minor' applications has remained in the top quartile in London at 94% (3rd). 'Other' applications are also maintained at top quartile in London at 97% (2nd). Performance remains steady and we expect to continue to be top quartile in all categories, despite the year's challenges.

	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021
Majors	100%	100%	100%	100%	100%
Minors	87%	97%	98%	94%	94%
Others	89%	98%	98%	96%	97%
PSO	86%	89%	90%	91%	91%

Cumulative Performance (April-March from 2016/17 onwards, April-Jan 2020/21)

- 5.2 The Government has three measures of application 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. These are (assessed over a two-year rolling period):

- Majors applications performance at least 50%
- Minor and Other applications performance at least 70%
- Appeals lost (below 10% in both categories)

- 5.3 So far in 2020/21 (1st April – 31st January) we have decided the following:

- **16 'Major'** applications (compared to the 15 during the same period last year)
- The average time of decision has increased from 165 to 250 days but all have been subject to planning performance agreements.

	2016/17	2017/18	2018/19	2019/2020	2020/21 (to end of Jan)
No. of Major Apps decided	27	32	27	19	16

Major applications received over past five years

- **378 'Minor'** applications (compared to the 359 'Minor' in the same period last year)
- The average decision day increased from 78 to 83 days (a result of Covid-19 lockdown preventing public consultation earlier in the year, and thus slowing the process).
- **949 'Other'** applications (compared to the 926 'Other' applications decided last year). The average decision time has remained the same at 61 days.

5.4 The length of time taken to validate an application is at an average of 8 days, however this is a product of the systems thinking approach where there is a delay before validation rather than before decision. This statistic is quite static.

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 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 – 31 st Jan)
Received	2951	3479	3907	4019	3399	3574	3094	2702
Approved	2372 (80%)	2807 (81%)	2935 (75%)	3255 (81%)	2659 (78%)	2963 (83%)	2576 (83%)	2140 (79%)
Refused	338 (12%)	470 (14%)	709 (18%)	506 (13%)	385 (11%)	356 (10%)	314 (10%)	432 (16%)
Average day	73	76	69	61	54	62	63	65

5.6 Officer caseloads are at around 45 per officer in Q3 and Q4 of 2020/21 financial year, slightly up from 40 last year and earlier this year (Q1 and Q2).

5.7 The number of on hand applications has increased compared to this time last year notwithstanding our new approach as well as a focus on resolving a backlog of long standing applications. As of the end of January 2021, there were 547 on hand applications (up 45 on this time last year).

5.8 The number of applications over 26 weeks is now at around 95. These cases are all complex or awaiting section 106 sign off.

Pre-application advice

5.9 During 2020/21 (1st April – 31st January) there have been:

- 109 pre-application meetings (same period last year: 124)
- generating a total of £256,536 in income (same period last year: £313,900)
- 69 householder pre-application meetings (same period last year: 86)
- generating £21,760 in income compared to (same period last year: £29,913)

5.10 The use of Planning Performance agreements (PPAs) during the period 2020/21 (1st April – 31st January) has generated £310,385 in income, compared to £250,872 last year within the same period. The team is encouraging the use of PPAs for a wider range of work.

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 Sub Committee has met 8 times in 2020/21 so far (June, July, September, October, November, December, January and February) and resolved to grant planning permission for:

- a zero carbon industrial park,
- 157 homes (10 of these were new council homes),
- a further 281 homes under Reserved Matters approval, and
- more than 5,000sqm of commercial, business and cultural uses.

5.13 It resolved to refuse against officer recommendation:

- 3 applications totalling 28 residential units,
- approx 250sqm of commercial space and co-living use.

5.14 The final government threshold relates to overturns of refusals (officer and committee) on applications on appeal. We are at 1% on minor / other applications. We are currently at 8.7% on this measure (the threshold is to remain below 10%). 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. One more loss would take us over the threshold. We have 2 major appeals pending.

5.15 The measure 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. This is calculated as an average over the assessment period.

5.18 Haringey's performance at present is as follows:

Type of application	Number of apps	Number of appeals	Number of overturns	% (Threshold 10%)
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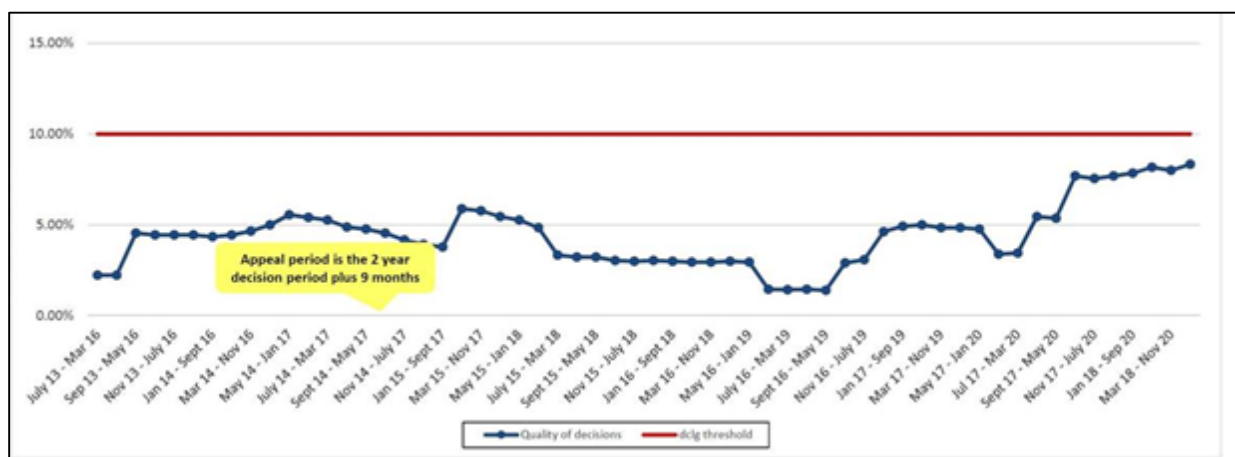
Majors	45	6	4	8.51%
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5.19 The Service has been relatively successful in defending major appeals. We have 2 live appeals on major applications (Guildens, Courtenay Avenue and 10 Gourley Street) with one awaiting validation (300-306 West Green Road). It is possible our decisions may be overturned. The number of major applications dealt with over the past 2 year period is falling. It is possible that we will be at or over the 10% threshold at the end of this year. 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	Current Number of overturns	Potential % (Threshold 10%)
Majors (no more losses)	41	6	4	9.76%
Majors +1 further appeal loss	41	7	5	12.2%

5.21 Obviously the Service is doing all it can to defend these appeals and process new major applications promptly. Even if we win all our pending appeals it is possible we will be at the 10% threshold (as the number of major applications overall in the rolling 2 year period is falling). Officers have discussed this with MHCLG which advises that our average performance over the 2 year period is still below the threshold.



Majors appeal performance over last 5 years

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 and the impact of Covid19 on reducing the overall number of major developments which has served to amplify appeal overturns.

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 – 31st January): 659
 - Enforcement notices served during 2020/21 (1st April – 31st January): 53
- 5.29 Of the complaints 90% were acknowledged within one working day of receipt. This measure is down from 93% last year, and a result of software (Iplan) outages and a rising number of incomplete / incomprehensible complaints.
- 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).
- 5.31 In December 2020 officers secured a confiscation order of just over £500k against a landlord who had deliberately refused to comply with the requirements of two enforcement notices at two of his properties. The Council will get a share of that amount (approx 1/3) with the largest share going to central government.
- 5.32 Planning Enforcement officers have a backlog of site visits as a result of the Covid-19 lockdowns. 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.
- 5.33 As per government advice, the enforcement team is taking a positive approach to allowing retail premises (when not affected by Covid-19 restrictions) to stay open longer and take deliveries later during December and January, to assist with social distancing on high streets.

Member Training & Site Visits

- 5.34 The last Member visit, to the Thamesmead estate, took place in October 2019. A daylight/sunlight training session took place in January 2020, general principles and decision-making session in June 2020, and Secure by Design in January 2021. A further session is being planned for April/ May. A learning site visit is unlikely to take place in 2020/21.

Planning Policy & Infrastructure

New Local Plan

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

Document	Regulation	Date
New Local Plan First Steps Engagement consultation	Reg 18	November 2020-February 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

- 5.36 Consultation on the New Local Plan First Steps Engagement document was launched on 16 November 2020 and closed on 1 February 2021. The responses to the consultation are currently being collated but it is estimated that over 1,000 have been submitted exceeding the quantitative target in the associated Communications and Engagement Plan.
- 5.37 Work is continuing with key partners to ensure broad engagement on the New Local Plan, including the local schools, Haringey Youth Advisory Board and the Voluntary and Community Sector through the Bridge Renewal Trust. An analysis is being undertaken to understand representation of individuals and groups with protected characteristics and whether further targeted engagement is required.
- 5.38 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. In early February 2021 the Council published requests for quotes for an Employment Land Study, a Retail and Town Centre Needs Study, and a Biodiversity/Sites of Importance for Nature Conservation (SINC) Review to inform the emerging Plan.

Housing Delivery Test and the Presumption in Favour of Sustainable Development (PIFSD)

- 5.39 The Housing Delivery Test is an annual measurement of housing delivery introduced by the Government in 2018. The Housing Delivery Test results for 2020 were published on 19 January 2021. Haringey's result was 60%, the consequence of which is that the 'Presumption in Favour of Sustainable Development' (PIFSD) took effect on 20 January 2021.

- 5.40 Haringey's housing completions have been below a 75% Government 'Housing Delivery Test' threshold over the last 3 years therefore, in accordance with the NPPF, the Council's housing planning policies are deemed out of date and the PIFSD applies. The consequence of this is that national policy expects the council to grant permission for housing schemes unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
- 5.41 Paragraph 12 of the NPPF is clear that the PIFSD does not change the statutory status of the development plan (i.e. the Local Plan & London Plan) as the starting point for decision making. The law still says any determination on a planning application must be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF is not part of the development plan but the PIFSD as part of the NPPF is a significant material consideration. While the policies in the borough's development plan still have primacy, the Council will need to give an increased amount of weight to the NPPF and PIFSD when making planning decisions.
- 5.42 The Council has already published a Housing Delivery Test Action Plan to set out what it is doing to boost housing delivery which was considered by Regulatory Committee in July 2020 and approved by Cabinet in the same month.
- 5.43 Seven other London boroughs are facing the PIFSD: Enfield, Redbridge, Barking & Dagenham, Havering, Tower Hamlets, Southwark and Kensington & Chelsea.

Other planning policy workstreams

- 5.44 On 28 January 2021 the Council responded to the Government's **Supporting housing delivery and public service infrastructure consultation** setting out strong opposition to a proposed new permitted development right for the change of use from Commercial, Business and Service use (Class E) to residential (Class C3) to create new homes.
- 5.45 On 30 January 2021 the Government published a consultation on **draft revisions to the National Planning Policy Framework (NPPF)** and a **new draft National Model Design Code**. The text of the NPPF has been revised to implement policy changes proposed in the Building Better Building Beautiful Commission report as well as containing a number of other changes as explained in the consultation document. The Government is not proposing a full review of the NPPF at this stage. A fuller review of the Framework is likely to be required in due course, depending on the implementation of the Government's proposals for wider reform of the planning system as set out in the Planning White Paper. A separate report has been prepared for Regulatory Committee inviting comment on the current consultation.

- 5.46 On 29 January 2021 the **New London Plan** moved closer to being finalised following written confirmation from the Secretary of State that the Mayor can proceed to formally publish his Publication London Plan. The Mayor is now expected to publish the Final London Plan in February/March 2021 at which time it will replace the London Plan 2016 as part of the borough's Development Plan.
- 5.47 Consultation was carried out on the **Draft Highgate School Supplementary Planning Document (SPD)** from 26 October to 21 December 2020. Responses have been collated and a series of changes are proposed to the SPD before it is adopted. A separate report has been prepared for Regulatory Committee in relation to adoption of the SPD.
- 5.48 The Borough's 2021 **Brownfield Land Register (BLR)** was published on 12 February 2021. This supersedes the 2020 BLR and discharges the legal requirement to publish an updated BLR annually.
- 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 Spring 2021.
- 5.50 On 15 December 2015, the Council approved the designation of the **Crouch End Neighbourhood Area and the Neighbourhood Forum**. After 5 years in operation, a Forum must apply to be re-designated. On 5 January 2021 the Crouch End Neighbourhood Forum applied to the council to be formally re-designated as a neighbourhood forum, in accordance with the Town and Country Planning Act (1990) and neighbourhood planning regulations. If the application is agreed by the council, the Crouch End Neighbourhood Forum can continue to work on preparing a Neighbourhood Plan for the area. Views and comments are now being sought on the application from residents and other interested stakeholders. The consultation began on 5 February and all responses must be submitted by 19 March 2021.

Building Control

Building Control	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21*
Applications	2362	2494	2173	1996	2323	1415
Fees	622k	651k	686k	604k	600k	561k
Site visits	6682	6697	6531	6817	6278	4467
Market share	59%	60%	54%	54%	62%	53%
Dangerous Structures	205	173	128	190	162	129
Demolition Notices	31	24	18	13	29	16
* not a full year (to 11 Feb)						

- 5.51 Applications over the corresponding period still show a decrease overall due to Covid-19, although the fee income is better and recovering due to the type of

work currently being undertaken and it is still hoped that some of this income deficit can be recouped via the Government's income compensation scheme.

- 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 129 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 4 formal Dangerous Structure Notices and dealt with 16 demolition notices.
- 5.53 Building Control continues to be occupied by outcomes of the progress of the still draft Building Safety Bill and is helping to form guidelines as to how London Building Control services will work with the Building Safety Regulator. This week we have been asked to participate in some research the Health and Safety Executive (HSE) has commissioned around perspectives on the development of the Building Safety Regulator.
- 5.54 This year continues to be 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. The staff in Building Control have continued to carry out site visits (and are now getting weekly Covid tests) in order to ensure that building works can continue throughout Haringey.

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