



Haringey Council

Report for:	Regulatory Committee 21 May 2015	Item Number:	
Title:	Development Management and Planning Enforcement Work Report for 2014/15		
Report Authorised by:	Stephen Kelly – Assistant Director – Planning		
Lead Officer:	Emma Williamson – Head of Development Management		
Ward(s) affected: All	Report for Key/Non Key Decisions:		

1. Describe the issue under consideration

- 1.1 To advise the Regulatory Committee of performance on Development Management and Planning Enforcement for 2014/15, together with progress on the Development Management Improvement Plan as well as challenges faced by the service with regard to changes to national policy and resourcing and the service's response to these.

2. Recommendations

- 2.1 That the report be noted.

2014/15 Development Management performance

- 4.1 The number of major, minor and other applications determined by Haringey in 2014/15 was 2249 compared to 1965 in 2013/14. The overall number of applications submitted to the Development Management service continues to rise reflecting the increased development activity Londonwide and the prior approval regime introduced by the Government last year. The number of PSO applications (including prior approvals and discharge of condition applications) which were determined in 2014/15 was 979 compared to 513 in 2013/14.



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- 4.2 The service met the national and local standards for the processing of major, minor and other planning applications in 2013/14 and 2014/15 and is in the top quartile for the processing of major applications despite the increase in applications and staff resources remaining the same.
- 4.3 Percentage of major applications determined within 13 weeks (including PPA or agreed extension of time as per the Government measure) in 2014/15 is at 100% - well above the corporate target of 65% and is in the top quartile across the country. The cumulative two year performance as at December 2014 (which is the latest published national figure and the measure by which DCLG assess designation as a poorly performing authority) was at 91% which is well above the threshold for designation of 40% and the likely increase to 50%.
- 4.4 Percentage of minor applications determined within 8 weeks is at 77% for 2014/15 and has exceeded the corporate target of 65% and was above the London average.
- 4.5 Percentage of other applications determined within 8 weeks is at 81% for 2014/15 and is above the corporate target of 80% and is at the London average.
- 4.6 Performance on discharge of conditions has improved in 2014/15 but remains below the locally set target of 100%. This is part of the focus for the improvement plan for 2015/16 as the Infrastructure Act 2015 regulations have now been laid so that from 15 April 2015, applicants will be able to serve a notice at 6 weeks requesting a decision for certain conditions to be discharged and if no decision is made deemed consent will be granted at 8 weeks.
- 4.7 The current local target for all applications that are valid on receipt to be registered and allocated to a case officer within 3 working days is not currently being met and this is another area of focus. A new system of automatic allocation has recently been implemented and will improve this process.
- 4.8 Further details of performance of the service over a number of other indicators is attached at Appendix 1.

Pre-application enquiries

- 4.9 The formalised paid pre-application planning advice service provided advice on 233 proposals in 2014/15 compared to 120 in 2013/14. A revised schedule of charges including a new paid householder pre-application service was implemented on 1 April 2015. There has been a good take up of the householder service.
- 4.10 In addition 6 larger development proposals continue to be the subject of a series of meetings through the Planning Performance Agreement process.



5. Planning Appeals Performance

- 5.1 The Planning Inspectorate issued decisions on 68 appeals in 2014/15 only 14 of these were allowed (20%). This is below the national average of 30% of appeals which are allowed. The majority of these were decided via the written representations route although there was one Informal Hearing and one Planning Inquiry.
- 5.2 In the period 1.3.2013-31.3.2015 9 applications were refused by planning committee. 7 of these were against officer recommendation. 7 of these refusals have been appealed. One is still within the appeal deadline. The remaining one was revised, resubmitted and subsequently approved by the committee.
- 5.3 Of these seven refusals that were appealed two decisions are awaited, two appeals were allowed and three were dismissed. A short report on lessons learned will be reported verbally at the Committee.
- 5.4 The second DCLG measure for designation as a poorly performing authority relates to appeals on major applications. The measure to be used is the average percentage of decisions on applications for major development that have been overturned at appeal once nine months have elapsed following the end of the assessment period. The threshold for initial designation is 20%. Up to the end of March 2015 the Council is at 0% and therefore well below this target.

6. Planning Enforcement Performance

Number of cases

- 6.1 The overall caseload continues to increase since 2011-12 and 916 cases were received in 2014/15. At 31 March 2015 492 planning enforcement cases are still open.
- 6.2 93 enforcement notices and 82 Planning Contravention Notices (PCN) were served in 2014/15. PCN's are a tool to gain further information about a potential breach and these are often a pre-cursor to enforcement action. Further information will be available at the meeting.

7. Development Management Improvement Project

- 7.1 An external review of the development management service in 2012/13 identified a number of issues which needed to be addressed in order to meet the service's vision to be best in London by 2016 and ensure that the authority was not designated by DCLG as an underperforming local planning authority.
- 7.2 The key findings of the review were that:



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- There were no standard operations and procedures in place and no consistent approach to handling applications
- Record keeping/audit trail is poor, with limited site notes/records of discussion being kept on file and report writing was very weak
- Website information needs updating and validation guidance was out of date and process poor
- Performance on meeting the national/corporate targets for handling planning applications was falling and the targets were not met for major or other applications for the 2011/12 period
- Caseloads were high and there was a growing backlog of applications
- Service was low cost
- No culture of performance management of staff and project management of applications
- No programme for service improvement was in place
- Customer service was weak with significant delays to get through on the telephone

7.3 The Development Management Action Plan approved by the Director's Group on 14 May 2013 sought to address improvements in procedure, performance management, leadership and customer service.

7.4 The achievements have been significant:

- The service met the national and local standards for the processing of major, minor and other planning applications in 2013/14 and 2014/15 and is in the top quartile for the processing of major applications. This is set against a growing workload of applications.
- An office resource manual has been developed setting out the way in which officers should handle applications
- Weekly majors meeting established to monitor progress on major applications and similar system set up for minors
- The Regulatory Committee adopted a new Planning Protocol in July 2014 to ensure delivery of a high quality service including the introduction of pre-application briefings for members of the Planning Sub Committee, introduced new speaking arrangements and streamlined procedures for dealing with delegated applications
- Improvements to customer service including radical overhaul of the information available on the website, introduction of webforms for enforcement complaints, updated validation checklist and supported the move to the customer service centre
- As a pilot authority of the PAS Planning Quality Framework to understand and benchmark performance against others



- The pre-application advice service has been reviewed and a new system for advice for householder and smaller schemes implemented with new charges in place from 1 April 2015

7.5 Although significant progress has been made there are still areas identified in the original action plan which need to be addressed as part of continuous improvement of the service. Whilst some of these are business as usual and will be mainstreamed within the proposed new structure, it will be important to ensure that there is sufficient resource within the new structure to ensure resilience.

7.6 The main issues remaining to be addressed are:

- Ensuring the resource manual is kept up to date with changing regulations and legislation and is comprehensive (this will be part of a role in the new structure)
- Work to ensure that there is improvement in the time take over the discharge of conditions to reflect the new deemed discharge procedure including a review of pre-commencement conditions recommended by colleagues in other departments
- Improvements in record keeping/audit trail of progress on cases – ombudsman/enforcement complaints still reflect that record keeping is poor
- Many decisions are still being made very close to the 8/13 week deadlines and there is a need to build in resilience
- Development of a local enforcement plan as required by the NPPF and other improvements to the enforcement service
- Updating validation guidance to reflect changes in legislation/requirements (there is a requirement to refresh every 2 years)
- Improvements in ICT including a document management system to facilitate smart working

The way forward

7.7 Now that the improvement plan has looked at current processes and sought to improve within the current systems, it is considered that a more radical review is needed in order to improve the service efficiency going forward. Without significant change only minor improvements are likely to be achieved. Experience from other authorities is that unless there is a substantial rethink and changes to the way of processing/handling planning proposals there is a limit to the efficiencies that can be achieved.

7.8 Taking account of best practice elsewhere (e.g Camden, Wolverhampton, Blaby) a more fundamental reworking of our processes is being undertaken as without this the service will continue to be affected by parts of the system not working for us or



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our customers. The approach adopted by these authorities takes its starting point from a systems thinking approach from a customer perspective – with customers identified as applicants and residents. This approach was first trialled by Vanguard but has since been adapted for planning. On 5 February 2015, the Board agreed that the service should set up a task and finish group to establish how we might do things to take this forward differently and prepare an implementation programme including a costed resource plan. The Group has started this work (consisting of Head of DM, Team Leader, technical support officer and a planning officer).

- 7.9 To help develop the approach this we have accepted the offer of PAS support to consider how we might undertake the radical reengineering of the way we process planning applications. Stephen Alexander, the Director of Planning at Wolverhampton City Council is providing the support over a period of 4 days with tasks set in between sessions. He has helped a number of authorities through PAS including Halton and Camden in this regard. With this support a bespoke approach is being developed starting from first principles: establishing the purpose of the development management service; setting the vision for the service – is it to enable good quality development? Is it to provide excellent customer service, minimise cost?
- 7.10 The principle of the approach is to cut out wasted work, including unnecessary steps and create a system that does not generate unnecessary enquiries by dealing with things from the perspective of the customer. Other authorities have realised substantial benefits from this approach including reduced end to end determination times for applications, substantially reduced progress chasing enquiries and complaints. The principle is that the officers operate on a first off the pile principle for cases and deal with each case as far as possible on the day it is first picked off the pile. This also means that the number of applications officers have on hand reduces and the work they have to juggle therefore also reduces.
- 7.11 The aspiration is to roll this approach out from October starting with 1/6th of the team. A transformation funding bid will be submitted shortly to fund this approach.
- 7.12 We are also part of the Planning Quality Framework run by the Planning Advisory Service which allows us to benchmark performance against other similar authorities taking part in this project.
- 7.13 Although we have already done considerable work in assessing our resources and improving our services we are taking part in the Planning Advisory Service Resources Review Pilot to take this work further. The pilot is designed to assist Councils to consider resourcing options and opportunities and understand and evidence them. The Resource Review considers all the main resourcing aspects of the planning service, including:
- Understanding costs and income levels across the service.
 - Understanding the volumes and variety of work and the effect on resources.
 - Spotting opportunities to reduce costs.



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- Ceasing to offer services or delivering them differently.
- Increasing revenues.
- Evidencing the effect that changes/opportunities identified will have.

7.14 Taking account of the work that we have already undertaken the resources review is concentrating on the following areas in Haringey:

- Budget and cost recovery
- Consultation – internal and external in relation to the Statement of Community Involvement
- Enforcement

8 Issues and challenges

8.1 The continuing growing personal caseloads of officers and significant national changes to permitted development rights continues to create significant pressures on the caseloads for existing staff.

8.2 The service will need to respond to the Tottenham and Wood Green regeneration programmes providing staffing through Planning Performance Agreements.

8.5 The department is progressing with its restructure however there have been some delays and recruitment is now unlikely to take place before September.

9 Ombudsman case

9.1 On 26 November 2014 the Local Government Ombudsman ruled on a case which had been reported to them by a local resident. The case concerned a second floor extension and loft extension for a property in the South Tottenham SPD area. The site had previously been subject to enforcement action. The decision on the case was as follows: The Council in its report on a planning application failed to show enough detail on how it had assessed the distance and impact on light as required by planning guidance or indicate in weekly lists for councillors' applications for larger developments. The claimant alleged that neighbour amenity and local policy was not properly considered. The Ombudsman ruled that the planning report did not set out in enough detail how impacts on amenity were assessed. The ruling required that a senior officer assess the development and whether permissions should have been granted. The Head of DM visited the site and carried out this assessment and the impact taking account of the privacy arc was considered to be acceptable. The complainant also alleged that councillors do not take their policies seriously enough. Through the investigation the Ombudsman has required that such large extensions are highlighted on the weekly list to ensure that local councillors realise the scale of the proposal. This has been implemented. The Ombudsman also required that this decision was reported to the Planning Committee. An award of £150 compensation for the complainant was also given. Officers feel it more appropriate that it be reported to Regulatory Committee given that this is where performance is discussed.

10 Comments of the Assistant Director of Corporate Governance and legal implications



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10.1 The Assistant Director of Corporate Resources has been consulted in the preparation of this report. As a noting report there are no specific legal implications which arise.

11 Local Government (Access to Information) Act 1985

11.1 Planning staff, application, appeals and enforcement case files are located at 6th floor, River Park House, Wood Green, London N22 8HQ. Application details are available to view, print and download free of charge via the Haringey Council website: www.haringey.gov.uk. From the homepage follow the links to 'planning' and 'view planning applications' to find the application search facility. Enter the application reference number or site address to retrieve the case details.

11.2 The Development Management and Building Control Support Team can give further advice and can be contacted on 020 8489 5504, 9.00am-5.00pm Monday to Friday.