

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Planning Service: Annual Monitoring Report 2013-14	
<b>Key Decision</b>	Yes	Item No.
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director of Resources and Regeneration	
<b>Class</b>	Part 1	Date: 3 December 2014

## **1. Summary**

1.1 The Planning Service is required by law to prepare and publish a report each year reviewing the performance of planning in the borough. The Planning Service does this on an annual basis in the Annual Monitoring Report (AMR) and includes matters such as the extent to which the Council's planning policies are being implemented as well as performance in decision making on planning applications and in preparing new planning documents.

1.2 The AMR reports on the last financial year, that is, the period from April 2013 up to 31<sup>st</sup> March 2014. A summary of the main AMR findings is set out in section 6 of this report and the AMR 2013-14 is attached at Annex 1.

## **2. Purpose**

2.1 This report advises the Mayor and Cabinet of the Planning Service activities for the monitoring year 2013-14 as required by law.

## **3. Recommendation**

3.1 The Mayor is recommended to note the content of the AMR 2013-14 and approve its publication and placement on the Council's website.

## **4. Policy Context**

4.1 The content of this report is consistent with the Council's policy framework, namely the Core Strategy and the Sustainable Community Strategy (SCS). The Core Strategy is closely related to the SCS, as it sets out the physical implementation of the SCS. This report supports the following SCS objectives:

- *Empowered and responsible*: where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities.
- *Clean, green and liveable*: where people live in affordable, high quality and adaptable housing, have access to green spaces and take responsibility for their impact on the environment.
- *Healthy, active and enjoyable*: where people can actively participate in maintaining and improving their health and well-being, supported by

high quality health and care services, leisure, culture and recreational activities.

- *Safer*: where people feel safe throughout the borough and are able to live lives free from crime, anti-social behaviour and abuse.
- *Dynamic and prosperous*: where people are part of vibrant and creative localities and town centres, well-connected to London and beyond.

4.2 The AMR is particularly relevant to two of the Council's policy objectives - strengthening the local economy and providing decent homes for all – and reports on a number of indicators which show progress in these areas.

## **5. Background**

5.1 The AMR is a document that is part of Lewisham's Local Development Framework (LDF). The Planning & Compulsory Purchase Act 2004 required every Local Planning Authority to publish an annual report. Lewisham meets this duty through publishing the Annual Monitoring Report (AMR). The legal requirement is to provide information on the implementation of the Local Development Scheme (LDS) and the extent to which the policies set out in Local Development Documents (LDD) are being achieved, focussing on the situation in the most recent financial year. The Localism Act 2011 removed the requirement to report on Government's core indicators and to consult the Secretary of State about the AMR.

5.2 This AMR covers the reporting period of the last financial year, that is, from 1 April 2013 up to 31 March 2014. It accords with Part 8 (which is Regulation 34) of the Town and County Planning (Local Planning) (England) Regulations 2012 which specifies the information to be included within a monitoring report in particular:

- The stage each document specified in the LDS has reached in its preparation, and if there have been delays, why.
- The date of adoption of documents specified in the LDS, if any.
- Identifying where policies are not being implemented, and the reasons why.
- Specifying the number of net additional dwellings and affordable dwellings.
- Details of Neighbourhood Development Orders, Neighbourhood Development Plans.
- Details of Community Infrastructure Levy receipts and expenditure, if any.
- Details of any actions taken in regard to the duty to cooperate.

## **6. Key findings of the AMR 2013-14**

6.1 The AMR 2013-14 is set out as Appendix 1 to this report. It is structured a little differently this year to reflect the fact that it is no longer a requirement to report on specific Government indicators. The content is as follows: section 1 provides an introduction; section 2 sets out details of development completed

in 2013 – 14; section 3 provides details of future likely development; section 4 provides information on the value of planning; section 5 gives details about the planning service performance and section 6 provides some conclusions.

- 6.2 Section 2 Development in 2013-14. This monitoring year an additional 842 new dwellings were completed in the borough, however, as 90 dwellings were demolished the net increase for the year was 752. This was a considerable reduction (42%) on the previous years completion of 1,895. This is below the current London Plan target of 1,105, which is due to increase to 1,385 if the Further Alterations to the London Plan (FALP) are adopted early next year. This was the first time in 6 years that the completions did not reach the London Plan target. To put this in perspective the completions for 2012-13 were a record year, recording the highest ever completions for the borough, and cumulatively because the last 6 years have been above the London Plan target we are still on track to exceed that target over the plan period.
- 6.3 The main reason for the drop in completions is the phasing of the large developments which are the main source of new dwellings in the borough. A number of large housing developments completed phases in 2012-13 but not in 2013-14, they will complete further phases next year and in future years and we can therefore anticipate an increase in completions in future years.
- 6.4 The new dwellings completed in 2013-14 were overwhelmingly (86%) in the form of flats and 7% in the form of houses. These are similar but slightly lower proportions than last year. The bedroom size was different to last year with 34% one bed (45% last year); 50% two bed (38% last year) and 13% three bed (17% last year).
- 6.5 The data on affordable housing is from two sources this year, the London Development Database (LDD) and the RSLs returns. This is because there has been concern over the data entry into the LDD on this topic. Housing associations can sometimes increase the amount of affordable housing in a scheme after planning permission has been granted through use of additional housing grant and this is not always picked up in the LDD. The RSLs return figures show 224 affordable housing completions and the LDD 194. The discrepancy appears to be related to the completion of shared ownership homes in Heathside and Lethbridge estate renewal which the RSLs count in this financial year. The RSLs figure of 224 for affordable housing completions is therefore being used.
- 6.6 The affordable housing completions were considerably lower this year than in recent years as they represent 27% of the dwellings that were completed. This is probably due to the smaller number of completions produced by RSLs this year. The geographic distribution of affordable housing completions was also different this year as about half the provision was in the south of the borough in the two wards of Grove Park and Whitefoot. This was largely due to the 75

affordable units completed as part of the former United Dairies development in Baring Road, Grove Park.

- 6.7 The tenure of the affordable housing has changed this year and reflects the introduction by the Government of the new category of 'affordable rent' which can be charged at up to 80% of market rent. However, in Lewisham no affordable rent scheme has been consented to date which secures rents above 60% averaged across the site. The proportions by tenure were; shared ownership 53%; affordable rent, 27% and social rent 20%. The social rent:intermediate ratio of the affordable completions was 66:33 which is slightly short of the Core Strategy target of 70:30 ratio.
- 6.8 Section 2 also presents data on non residential development completed in the monitoring year. The key findings are that there was an overall gain of about 13,000 sq.m. of non residential floorspace. This was made up by a loss of business space but a gain in leisure and community space due mainly to the expansion of four schools. None of the loss of business space was in allocated business locations in accordance with planning policy.
- 6.9 Section 3 Future Development considers future development and growth in the borough. It summarises the amount and type of development anticipated in the future, provides an overview of the development expected in the Regeneration and Growth Areas and highlights the progress made towards developing the sites in the housing trajectory. This includes 667 net new homes granted planning permission of which 399 will be developed on 3 major sites at Lewisham Gateway, Faircharm Trading Estate and Tanners Hill in Deptford.
- 6.10 The Government has changed planning law and regulations many times since they came into office in 2010. Some of these changes relate to permitted development rights and one controversial change was to allow the conversion of office floorspace to residential with the requirement that the applicant obtain 'prior approval' from the LPA. The system of prior approval for conversion of office to residential came into effect on 30<sup>th</sup> May 2013. The Council received 27 prior approval applications up to 31<sup>st</sup> March 2014 which related to a total floorspace of 12,513 sq.m. and were for conversion for 192 dwellings. While the Government's stated intention in introducing this change was to encourage the conversion of vacant office space the monitoring of the prior approvals has shown that only 36% of the lost office floorspace was in fact vacant. This situation needs to be monitored further as it may indicate the loss of viable office space and the accompanying jobs in the borough.
- 6.11 Section 3 provides an update on the progress of the 5 strategic sites designated in the Core Strategy and located within the Regeneration and Growth Areas. Convoys Wharf, the largest of the strategic sites at 16Ha, was 'called in' by the Mayor of London in October 2013 and in March 2014 he resolved to grant outline planning permission subject to completion of a

Section 106 Agreement. Once this is completed Convoys Wharf would have permission for up to 3,500 new homes. All the other four strategic sites already have planning permission.

- 6.12 The Plough Way strategic site is the most advanced and includes three main development parcels. Marine Wharf West has planning permission for 532 dwellings plus retail and business space. Phase 1 including 71 dwellings and commercial premises is now complete and construction is nearing completion for phase 2 and 3. Marine Wharf East has permission for 183 dwellings in two buildings of up to 8 storeys. Cannon Wharf has permission for 679 dwellings in two buildings of 20 and 23 storeys. The first residential block is now complete and the first commercial units, including the replacement Cannon Wharf Business Centre will be ready for occupation in summer 2015. A smaller parcel at 7-17 Yeoman Street is also currently under construction and includes 33 dwellings in a five story building.
- 6.13 The Surrey Canal strategic site has permission for 2,400 dwellings and commercial floorspace that is likely to generate about 1,500 jobs including a major new sports facility. This is a complex redevelopment and site assembly work is still in progress.
- 6.14 The Oxestalls Road strategic site has planning permission for 905 dwellings and non residential floorspace creating up to 750 new jobs. The site has now been sold and the new owners are currently consulting on possible changes to the permission with a view to submitting a further planning application.
- 6.15 The Lewisham Gateway strategic site has planning permission for up to 800 dwellings plus retail, commercial and leisure floorspace. Construction of Phase 1A has started comprising a 15 story and a 25 story building with 193 dwellings and ground floor shops and restaurants. A planning application for phase 1B has been submitted for 169 dwellings, shops and restaurants.
- 6.16 Section 3 also includes a housing trajectory and identifies the anticipated amount of residential development over the next 15 years (2015-16 to 2029-30). It shows a strong housing supply with:
- An estimated 7,018 dwellings or an average of 1,404 dwellings per year, during years 1-5.
  - An estimated 14,945 dwellings for the full 15 years, or an average of 996 units per year.
  - A fluctuating supply of housing, comprised of a good supply in the past, an over supply (or frontloading of sites) during the first five years and then followed by a slight under supply during years 6 – 15.
  - five of the next 15 years are anticipated to exceed the current annualised London Plan target, when past completions and future projected supply are taken into account.

- The end of the 15 year period currently shows an oversupply of 173 units compared to the cumulative London plan target. This indicates new capacity may be required towards the end of the plan period.
- 6.17 Section 4 The Value of Planning considers information on the ways the planning system can be used for community benefit. It considers S106 Planning Obligations; Community Infrastructure levy (CIL) and New Homes Bonus. In this monitoring year new development schemes have:
- Secured almost £3 million financial contributions and 65 affordable units through section 106 agreements. .
  - Received New Homes Bonus for 2013-14 of £3,813,791
- 6.18 Section 5 Planning Service Performance acknowledges the progress made in preparing new plans and strategies against the LDS, which was revised and adopted by the Council in February 2013. Good progress on plan adoption has been made:
- The Council's key planning document, the Core Strategy, was adopted in July 2011.
  - The Site Allocations Local Plan was adopted by the Council in June 2013.
  - The Lewisham Town Centre Local Plan EIP was held in January and July 2013, with subsequent adoption by the Council in February 2014.
  - The Development Management Local Plan EIP was held in January – February 2014 and was adopted by the Council in November 2014.
  - However, the Gypsy and Traveller's Sites Local Plan has been delayed resulting in a requirement for a new needs survey to be commissioned.
- 6.19 Section 5 provides an overview of the activity of the Planning Service. A total of 2,481 applications were lodged with the Council during 2013-14, this is an increase of 18% over the previous year. The breakdown was 1,852 applications for planning, 74 advertisement applications and 555 tree applications. Minor applications formed the largest category with 49%, followed by Householder applications at 25% and Certificates of Lawful Developments at 14%. As would be expected Major application formed a small proportion of total applications at 2% but are responsible for the majority of development. The performance on dealing with applications against national targets was good. For major applications the target is 60% in 13 weeks the actual was 75%; for minor applications the target is 65% in 8 weeks, the actual was 81% and the target for other applications is 80% within 8 weeks, the actual was 79% very slightly below target.
- 6.20 In 2013-14 there were 88 appeals and this represents an increase of 22% over the previous year. Planning Inspectors upheld the majority of the decisions made by the Council, as 61% of appeals were dismissed. Enforcement activity has increased since last year with a total of 119 formal notices served compared to 83 last year of which 88 relate to planning contravention notices.

6.21 Section 5 also highlights the work of other teams within the Planning Service, including Economic Development and Urban Design and Conservation, who have:

- Provided advice and support to businesses, employees and those looking for work via a range of initiatives including the Business Advice Service, Local Labour and Business Scheme, Lewisham Service Providers Forum, Universal Credit Pilot and Strategic Partnership's Family Budgets project.
- Established a renewed Design Review Panel to advise on planning applications, working with property owners to reduce at risk buildings and ensuring development protects the character of Conservation Areas and Locally Listed Buildings.

## **7. Financial Implications**

7.1 There are no direct financial implications arising from this report. The AMR will be published electronically on the Council's website and only limited hard copies will be produced, these being funded from within the agreed Planning Service budget.

## **8. Legal Implications**

8.1 Section 35 of the Planning and Compulsory Purchase Act 2004 (as amended) requires that every local planning authority must prepare reports containing such information as is prescribed as to:

- (a) the implementation of the local development scheme;
- (b) the extent to which the policies set out in the local development documents are being achieved.

8.2 This report must be made available to the public and must (a) be in respect of a period:

- (i) which the authority considers appropriate in the interests of transparency,
- (ii) which begins with the end of the period covered by the authority's most recent report, and which is not longer than 12 months or such shorter period as is prescribed.

8.3 The report must be in the form prescribed by statutory instruments and contain such other matters as is prescribed. The report must be made available to the public. The applicable Regulations are the Town and Country Planning (Local Planning) (England) Regulations 2012.

8.4 Regulation 34 of the applicable regulations requires that the report contain:

- (a) the title of the local plans or supplementary planning documents specified in the local planning authority's local development scheme;
- (b) in relation to each of those documents:
  - (i) the timetable specified in the local planning authority's local development scheme for the document's preparation;

- (ii) the stage the document has reached in its preparation; and
  - (iii) if the document's preparation is behind the timetable mentioned in paragraph (i) the reasons for this; and
  - (c) where any local plan or supplementary planning document specified in the local planning authority's local development scheme has been adopted or approved within the period in respect of which the report is made, a statement of that fact and of the date of adoption or approval.
- 8.5 Where a policy specified in a local plan specifies an annual number, or a number relating to any other period of net additional dwellings or net additional affordable dwellings in any part of the local planning authority's area, the report must specify the relevant number for the part of the local planning authority's area concerned:
- (a) in the period in respect of which the report is made, and
  - (b) since the policy was first published, adopted or approved.
- 8.6 Where a local planning authority have made a neighbourhood development order or a neighbourhood development plan, the report must contain details of these documents
- 8.7 Where a local planning authority have prepared a report pursuant to regulation 62 of the Community Infrastructure Levy Regulations 2010 (being a report for the reported period setting the total CIL receipts for the year and the total CIL expenditure, with a summary of details), the local planning authority's monitoring report must contain the information specified in regulation 62(4) of those Regulations.
- 8.8 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 8.9 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.



- 8.10 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at:  
<http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 8.11 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 8.12 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:  
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

## **9. Crime and Disorder Implications**

- 9.1 There are no direct implications relating to crime and disorder issues.

## **10. Equalities Implications**

- 10.1 The Council’s Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities and helps ensure compliance with the Equality Act 2010.
- 10.2 Although the AMR does not have any direct equalities implications, the information and data reported, along with known and emerging data from the Census 2011 and other sources will highlight and inform equalities impacts and implications for services provided by the Council.

## **11. Environmental Implications**

- 11.1 There are no direct environmental impacts arising from this report.

## **12. Conclusion**

12.1 The AMR sets out a great deal of information about both Lewisham and the Planning Service. The monitoring year has shown a significant decline in the number of homes completed compared to last year and a consequent decline in the provision of affordable housing. The explanation lies in the phasing of very large development schemes some of which did not have any completions during the monitoring year but are expected to pick up again in the next few years. The planning service has received an 18% increase in planning applications and has performed well in meeting government targets for dealing with these applications. The Council has also adopted a number of Local Plans during the monitoring period.

12.2 It is recommended that the Mayor notes the content of the AMR 2013-14 and approves its publication on the Council's website.

## 15. Background documents and originator

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
<a href="#">Planning &amp; Compulsory Purchase Act 2004</a>	2004	Laurence House	Planning Policy	Brian Regan	No
<a href="#">Localism Act 2011</a>	2011	Laurence House	Planning Policy	Brian Regan	No
<a href="#">National Planning Policy Framework (NPPF) 2012</a>	2012	Laurence House	Planning Policy	Brian Regan	No
<a href="#">Town and Country Planning (Local Planning) (England) Regulations 2012</a>	2012	Laurence House	Planning Policy	Brian Regan	No

If you have any queries on this report, please contact Brian Regan, Planning Policy Manager, 3<sup>rd</sup> floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774.

## Annex 1: Planning Service Annual Monitoring Report 2013-14