

MAYOR AND CABINET		
Report Title	Planning Service: Annual Monitoring Report 2014-15	
Key Decision	Yes	Item No.
Ward	All	
Contributors	Executive Director of Resources and Regeneration	
Class	Part 1	Date: 9 December 2015

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 1st April 2014 up to 31st March 2015. A summary of the AMR is set out in section 6 of this report and the AMR 2014-15 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 2014-15, as required by law.

3. Recommendations

- 3.1 The Mayor is recommended to note the content of the AMR 2014-15 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.

4.3 The Planning & Compulsory Purchase Act 2004 and the Localism Act 2011 require every Local Planning Authority to publish an annual report reviewing the performance of planning in the borough. Local Planning Authorities are required to produce a monitoring report, having collected information during the monitoring year, and to make it available to the public via the Council's website. The AMR should report on the progress of local plan preparation against the timetable set out in the Local Development Scheme and monitor activities relating to the Community Infrastructure Levy (CIL), neighbourhood planning, the Duty to Co-operate and prior approvals.

5. Background

5.1 The Council has produced an AMR annually for the last 10 years and this one, like past years, will also be placed on the Council's website. This year's AMR is divided into six chapters:

Chapter 1: Introduction and Context explains the preparation of the AMR, relevant legislation and trends relating to population, housing, the economy and deprivation.

Chapter 2: Development in 2014-15 provides an overview of the type and amount of development that has taken place during 2014-2015. It also assesses whether Core Strategy and London Plan targets have been met.

Chapter 3: Future Development provides an overview of the type and amount of development approved for the future. It gives an overview of the Regeneration and Growth Areas and the progress made on the strategic sites. It also considers the likely housing land supply for the future, based on a housing trajectory.

Chapter 4: The Value of Planning highlights the funding secured through Section 106 Agreements (S106), Community Infrastructure Levy (CIL) and the Government's New Homes Bonus.

Chapter 5: Planning Service Performance discusses plan preparation as measured against the Local Development Scheme, neighbourhood planning activities and the Duty to Co-operate with other councils. It assesses the performance of the planning service in terms of planning applications, planning appeals and enforcement action. It also highlights conservation, urban design and economic development initiatives.

Chapter 6: Conclusions provides a summary of the main achievements in 2014-15 and raises a number of concerns.

6. Overview of the AMR 2014-15

6.1 It is important to remember the context within which the AMR sits. The borough will experience significant population and household growth by the

end of the Plan period in 2033. Therefore new development and infrastructure will be needed to accommodate this growth and to contribute to the regeneration of the borough.

- 6.2 The AMR acknowledges a number of main achievements in 2014-15 but also highlights some concerns. Both are summarised below in three sections relating to: A housing, B non residential development and C Planning Service performance.

A Housing

- 6.3 Overall a good supply of housing and affordable housing has been completed and approved during 2014-15, progress has been made on strategic sites and there is a resilient supply of housing in the next 15 years but more housing sites will need to be found.

- 6.4 With a net 1,468 dwellings completed during 2014-15, completions were double that of the previous year and were the second highest in the last 11 years. Completions exceeded the current London Plan target of 1,105 dwellings per annum by 33%. This is primarily due to the building out of some of the phases at Cannon Wharf, Marine Wharf West, the former Catford Greyhound Stadium and renewal at Kender estate. The total new dwellings approved during 2014-15 amounted to 5,440. 3,500 units (65%) relate to the Convoys Wharf site, which was approved in March 2015, having previously been called in by the Mayor of London in October 2013. 1,426 net units (26%) were planning applications that have been approved by the Council during 2014-15. A further 514 units (9%) relate to prior approvals (which since 2013 allow offices to be converted to residential use without the need for planning permission but instead requires a “prior approval” from a Local Planning Authority).

- 6.5 The majority of housing completions (84%) and housing approvals (48%) continue to be concentrated in the Regeneration and Growth Areas and this is key in helping to regenerate the borough. The type of housing reflects the modern day housing market in that the majority of housing completions and approvals are flats, purpose built new dwellings and smaller one and two bedroom units. However, choice has been provided with some houses, conversions, change of use and larger 3+ bedroom properties completed during 2014-15.

- 6.6 46% of the residential units permitted over the last five years will be provided at densities above the London Plan’s Sustainable Residential Quality Matrix. This is occurring in all wards in the borough, not just in the Regeneration and Growth Areas. It will be worthwhile monitoring densities in the future to see if this trend continues.

- 6.7 The 418 net new affordable homes completed during 2014-15 is considerably higher than the previous year. 525 affordable housing units have been approved at Convoys Wharf and 343 net affordable housing units were also approved by the Council during 2014-15, of which 76 are Local Authority affordable housing units. 24 temporary affordable housing units have also been approved at Ladywell. 52% of the affordable housing completions and

82% of the affordable housing approvals will be located within the Regeneration and Growth Areas, helping to regenerate the borough. The social rent: intermediate ratio of 64:35 is similar to the 70:30 target identified in the Core Strategy.

- 6.8 For the first time in more than 20 years, new affordable homes were delivered directly by the Council on public land at Mercator Road and the future pipeline shows a significant increase in the scale of this source of new affordable homes over the coming three years.
- 6.9 Despite affordable housing being completed, it represents 28% of the total net completions, which is below the 50% target identified in the Core Strategy. The Council will continue to negotiate for the highest amount of affordable housing possible on appropriate sites, taking account of development viability. This will need to be monitored in future AMRs.
- 6.10 Good progress is being made on the five strategic sites allocated in the Core Strategy. Two sites, Plough Way (encompassing Cannon Wharf, Marine Wharf West and Marine Wharf East) and Lewisham Gateway are already under construction. The remaining three sites all have planning permission: Convoys Wharf is awaiting the submission of detailed proposals for the first phase of development, Surrey Canal Triangle was designated as a Housing Zone in February 2015, which will facilitate an accelerated delivery and the Council resolved to approve the planning application for Oxestalls Road in October 2015.
- 6.11 The borough has a supply of 14,983 dwellings for the next 15 years, with 58% of the units being developed in the first five years. This equates to a 25% over supply in the first five years compared to the London Plan target. Despite this and the good housing performance in the past, the supply will fall short of the cumulative London Plan target by 2028-29, towards the end of the Plan period. This is due to the increased annual target of 1,385 that was adopted as part of the Further Alterations to the London Plan (FALP) in March 2015.
- 6.12 In the future, it is likely that the target will need to be increased further to 1,650 per annum, in line with the South East London Strategic Housing Market Assessment (SHMA), to meet future housing needs. The SHMA was jointly commissioned by the South East London Planning Authorities (boroughs of Lewisham, Bexley, Bromley, Greenwich and Southwark) and completed by consultants in June 2014. To help reduce the longer term shortfall and meet the increased target the Council will prepare a Strategic Housing Land Availability Assessment (SHLAA) which will identify potential additional housing sites to be included in the 15 year supply.

B Non residential development

- 6.11 Despite gains in non residential floorspace and the protection of designated sites, prior approvals and the loss of office floorspace in general is a concern.

- 6.12 Despite a large scale gain of 57,623m² of non residential floorspace from completions and approvals during 2014-15, there have been large scale losses of business and retail floorspace (including a loss of 17,576m² of business floorspace from approvals). However, none were located within defined employment areas (MEL, SIL, LEL) and only one is located within a district centre. Large scale losses at first seem alarming, but it will help to reconfigure employment floorspace to make way for new business units more suited to the modern day economy, as part of mixed use schemes. The trend of losing non residential floorspace to housing continues from previous years, with 28 out of 37 non residential sites being solely redeveloped for housing. This should continue to be monitored in future AMRs.
- 6.13 Of the 514 dwellings created from prior approvals, 79% will be small units consisting of studios and 1 bedroom flats, with a very small proportion (1%) of larger 3 and 4 bedroom properties, which will not be able to cater for the needs of local families. A significant amount of non residential development will be lost, including at least 24,786m² of office floorspace. The aim of facilitating the re-use of vacant office floorspace is not being met. Instead the stock of purpose built, modern office floorspace, the majority of which is still in use, is being lost. Prior approvals in inappropriate locations could adversely impact on the viability of commercial centres, especially Lewisham town centre given that 71% of the prior approvals housing units will be located on two major sites at Lewisham House and Riverdale House. Protection of scarce employment land could also be undermined in the future, especially now that the Government has made prior approvals permanent. Monitoring of prior approvals will need to continue in future AMRs.

C Planning Service performance

- 6.14 Overall the Planning Service has performed well during 2014-15, and in many instances better than the previous year.
- 6.15 Some of the highlights for 2014-15 include:
- £7.6 million and 623 affordable units were secured through Section 106 Agreements, double the amount secured in the previous year.
 - Three plans have been progressed including the Development Management Local Plan that was adopted by the Council in November 2014, the Issues and Options Document for the new Lewisham Local Plan that was published for public consultation in October 2015 and the Gypsy and Traveller needs assessment that was completed by consultants in June 2015.
 - Neighbourhood planning is gathering pace as the Council has formally designated three neighbourhood forums and areas at Crofton Park and Honor Oak Park, Grove Park and Corbett Estate; and three have submitted their applications at Upper Norwood and Crystal Palace, Deptford Neighbourhood Action Community Group and Lee Community Group.
 - 2,747 applications were lodged with the Council, an 11% increase from the previous year; and the performance for determining major and minor applications was above the target levels.
 - The majority (68%) of appeals were dismissed and 22% were upheld, which is better than the national average. However the number of appeals is increasing from 72 in 2012-13 to 96 in 2014-15. Monitoring of appeals in

future AMRs will be needed to ensure the Council's planning policies are robust at appeal.

- 408 reports of alleged breaches of planning control were received and 119 formal enforcement procedures also took place. 291 cases were closed, 20 more cases than the previous year.
- The Planning Service has also helped to protect and enhance the borough's heritage, assisted developers to achieve and deliver high quality design in their development proposals and provided a range of business advice and support too.

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 the borough and the Planning Service, and the overall performance has been good for the monitoring year 2014 -15. The concerns raised in this AMR relating to affordable housing, housing density, non residential floorspace losses, prior approvals and increasing number of appeals will need to be further monitored in future AMRs.

- 12.2 It is recommended that the Mayor notes the content of the AMR 2014-15 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
Planning & Compulsory Purchase Act	2004	Laurence House	Planning Policy	Brian Regan	No
Localism Act	2011	Laurence House	Planning Policy	Brian Regan	No
National Planning Policy Framework (NPPF)	2012	Laurence House	Planning Policy	Brian Regan	No
Town and Country Planning (Local Planning) (England) Regulations	2012	Laurence House	Planning Policy	Brian Regan	No
Community Infrastructure Levy Regulations http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents	2010	Laurence House	Planning Policy	Brian Regan	No
Amendments to the General Permitted development Order (GDPO) http://www.legislation.gov.uk/uksi/2013/1101/made/data.pdf	2013	Laurence House	Planning Policy	Brian Regan	No

If you have any queries on this report, please contact Brian Regan, Planning Policy Manager, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 8774, or Angela Steward, Senior Planning Policy Officer – telephone 020 8314 3885.

Annex 1: Planning Service Annual Monitoring Report 2014-15