

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON THURSDAY, 20TH OCTOBER, 2022, 7.00 - 8.30 PM

PRESENT: Councillor Barbara Blake (Chair), Councillor John Bevan, Councillor Nicola Bartlett, Councillor Lester Buxton, Councillor Luke Cawley-Harrison, Councillor George Dunstall, Cllr Ajda Ovat, Councillor Yvonne Say, Councillor Matt White, and Councillor Alexandra Worrell.

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Reg Rice who was unable to attend due to other Council business.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT BUSINESS

There were no items of urgent business.

5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS

There were no deputations / petitions / presentations / questions.

6. MINUTES

RESOLVED

To confirm and sign the minutes of the Strategic Planning Committee meeting held on 14 June 2022 as a correct record.

7. PLANNING AND BUILDING CONTROL 2022-23 - QUARTER 2 UPDATE

The Assistant Director of Planning, Building Standards, and Sustainability introduced the report which provided an update on the work of the Planning and Building Control Service for Quarter 2.

The Head of Development Management provided an update in relation to development management as set out in the report. It was noted that performance remained high, including 100% performance for processing major applications on time. There had been a slight decline in performance for Other and PSO applications. However, it was considered that the overall results were strong, given the significant increase in applications and the turnover of staff.

It was explained that officers were tackling the backlog of cases but that this had resulted in some increases in the time taken to validate an application and the end to end times. It was noted that case loads per officer were currently around 62, compared to 52 in the previous year, and overall cases were around 748, compared to 626 in the previous year. It was added that there were currently 237 applications which had not been determined within 26 weeks; these were mainly complex cases but efforts were being made to finalise these applications.

In relation to pre-application advice, it was explained that there was often unpredictability in when this was requested and processed which meant that it might be different each year, although it was anticipated that this year would be comparable to the previous year.

The Head of Development Management explained that the threshold for designation from the Department for Levelling Up, Housing, and Communities (DLUHC), where improvement in performance was required, was 10% of the total decisions made. It was confirmed that the Council had avoided designation for the period 2019-2021. It was noted that the figures predicted by officers differed significantly from the figures published by the government; although the calculations were difficult to understand, the Council was showing improved performance in the government figures and officers would be working to discern the differences.

In relation to planning enforcement, it was reported that the complaints and notices for the quarter were similar to the previous quarter and there were no significant changes to note. In response to a previous request, complaint performance was included in the report. It was noted that there had been some staff shortages in the Customer Services Team which meant that the performance figures for complaints had suffered; it was anticipated that normal staffing levels and the migration to the new planning system would result in improved figures. However, it was noted that 97% of decisions were being made on target, compared to 91% last year, which was positive.

In response to questions from the Committee, it was noted:

- Members were welcome to suggest topics for upcoming training.
- In relation to the performance figures in section 5.19 of the report, it was explained that these often took months to update, particularly where any legal proceedings were involved, and did not necessarily reflect recent performance.

- Some members asked whether there were any steps that could be taken to avoid designation. The Head of Development Management explained that it was key to ensure that decisions had clear, planning reasons that could be defended successfully at appeal. It was noted that, if designation was a risk, it was possible to submit evidence that there had been improvements in performance which meant that designation was not required.
- In relation to applications over 26 weeks, it was explained that there were various reasons for delay, including resourcing and complexity. It was noted that, for the majority of cases, amendments had been requested and officers were awaiting responses from applicants.
- Some members of the Committee suggested that it would be useful to have member visits to major applications that had been approved over the last few years to see the outcome.
- In relation to planning enforcement, it was enquired whether the Committee could be provided with the breakdown between residential and commercial. The Head of Development Management noted that the statistics might not be able to show this detail and manual input would likely be required; he would consider whether this would be possible.
- Some members suggested that it would be useful to see whether the overturned decisions were from Committee or officer determined applications. The Head of Development Management explained that some detail was set out in paragraph 5.18 of the report but that it could be possible to provide additional information.
- Regarding fast track application services, the Committee asked about the impact on officers and resources. The Head of Development Management stated that the applications would require processing regardless but that the impact of the fast track service was that a particular application would skip the queue. Fast track applications were not handled by a specific team but were shared amongst officers; this allowed each officer to process a variety of applications.
- It was clarified that fast track applications were still subject to the same checks as ordinary applications; they were not rushed or subject to less scrutiny.
- Some members enquired whether there was sufficient legal capacity to process section 106 agreements effectively. The Head of Development Management noted that additional legal resources had been used to increase capacity. It was added that the fees were met by developers.
- In relation to Financial Investigation Services, officers were investigating the option of bringing the services in house; this would involve consideration of whether there was sufficient work to make this option viable.

In relation to Planning Policy and Infrastructure, the Head of Policy, Transport, and Infrastructure Planning noted that the timetable for the new Local Plan was included in the report. It was highlighted that input from this Committee and from Cabinet would be sought in early 2023. It was added that members of the Committee would be involved in the member working group which would act as a cross-party sounding board.

It was noted that the revised Community Infrastructure Levy (CIL) charging schedule had taken effect on 1 September 2022 and this had mainly increased contributions from housing developments in the east of the borough. It was also commented that the North London Waste Plan had been adopted by the Council and by all other member boroughs. In addition, the government had launched a call for evidence on

short term holiday lets in June 2022; the Council had submitted an initial response favouring a light touch approach.

In response to questions from the Committee, it was noted:

- In relation to the timeline for the new Local Plan, it was noted that the draft plan could be presented to the Committee at a special meeting if there were any delays.
- Some members noted that it would be useful to have training on viability in relation to affordable housing. The Head of Policy, Transport, and Infrastructure Planning noted that there was a commitment from the Council's viability consultant to deliver a presentation to members and this could include viability training; this had been delivered previously and had been well received.
- In relation to the call for evidence on short term holiday lets, some members noted that they would support researching the impact of this issue in Haringey. The Head of Policy, Transport, and Infrastructure Planning explained that, based on the current evidence, this was not considered to be a significant issue and there were only a small number of enforcement cases locally. It was added that there was some degree of protection in Greater London as there was a legal cap of 90 days for short term holiday lets.
- It was noted that the process for responses was different for consultations and calls for evidence. It was confirmed that, for this call for evidence, the response had been drafted by officers from relevant teams and then agreed with the Cabinet Member.
- In relation to the member working group for the new Local Plan, it was noted that there had been some changes since the elections in 2022 and it was enquired whether there had been any further consultation. The Head of Policy, Transport, and Infrastructure Planning explained that there had been eight previous meetings with the member working group and it was planned to have four or five further meetings.
- In response to a question about the Community Infrastructure Levy (CIL), it was anticipated that there would be a Neighbourhood CIL Round in 2023 and it was aimed to approach this more collaboratively with community groups. It was suggested that a briefing paper on CIL could be circulated to the Committee.
- In response to a question about Article 4 Directions, the Head of Policy, Transport, and Infrastructure Planning stated that the key area of focus at present was to address these issues through the new Local Plan. It was added that officers would welcome suggestions.
- Some members asked about the status of a previous government white paper on planning. The Assistant Director of Planning, Building Standards, and Sustainability explained that one of the previous white papers, based around three development zones, was no longer being pursued. A later white paper, based on levelling up, had since become the Levelling Up and Regeneration Bill; this was currently in Parliament and there were likely to be consultations on secondary legislation which would be shared with the Committee in due course.

In relation to Building Control, the Head of Building Control Services noted that the number of applications were currently on par with previous years but that the market share had decreased. One reason for this was that a number of private bodies had submitted applications before the new Building Regulations came into force.

In relation to dangerous structures, there had been two significant cases in the last period. It was explained that one structure had required complete demolition; this was located on the borough boundary with Hackney and had become dangerous due to works on the Hackney side of the boundary.

It was reported that the DLUHC had issued six new approved documents in June 2022 and the Building Safety Act had received Royal assent in April 2022. The new Act established a new Building Control authority, the Building Safety Regulator (BSR), and removed the ability for a person carrying out work on high risk buildings to choose their own Building Control provider. It was explained that the new Act also required all Building Control staff to prove their competency through exams and to register with the BSR. The competencies were now rated from Bands A-C and the Building Control Team were aiming to have all staff at Band C so that they could undertake all works.

It was noted that high risk buildings would be required to pass through three stages, or 'Gateways', during their design and construction. Gateway 1 required fire safety information, Gateway 2 would require the BSR to be satisfied around compliance, and Gateway 3 would require the BSR to be satisfied that the completed building met all Building Regulations and fire safety requirements. In relation to the new arrangements, it was noted that there was quite a significant obligation on local authorities to support the BSR, particularly as the BSR would be responsible for approximately 12,500 existing, high risk buildings in England and approximately 500 new projects per year. The Head of Building Control added that recruitment and retention would be key considerations for the Council. It was also noted that the team was looking to take on two apprentices for a three year period.

In response to questions from the Committee, it was noted:

- There had been an apprentice in the Building Control Team but, unfortunately, their former employer had rehired them and the Building Control Team was now looking to recruit two apprentices.
- It was confirmed that section 38 of the Building Act had been dormant since 1984 but would now be brought into force. This would allow claims from the misapplication of or the failure to apply the Building Regulations. It was explained that the detail would follow in secondary legislation but that there was likely to be an impact on insurance.
- In response to a question about fire safety and the number of staircases in tall buildings, it was confirmed that the DLUHC had issued a circular in August 2022. This clarified that single staircases could be acceptable in tall, residential buildings but that additional assurances, such as a detailed fire engineering analysis, may be required.
- In relation to the BSR competency exams, it was explained that they were traditional, in person exams. It was noted that the majority of staff in the Building Control Team had not undertaken formal exams for 15-20 years and that exam technique, particularly timing, was crucial.
- It was noted that some fire safety works had been undertaken on Council properties, following the findings of the Hackitt Review; it was enquired whether these works were a legal requirement and whether payment from leaseholders was required. The Head of Building Control explained that Building Control would only be involved in the inspection of any completed works. It was stated that the

inspection of properties to determine whether works would be done was undertaken by a Fire Risk Assessor.

RESOLVED

To note the report.

8. PLANNING AND BUILDING CONTROL SYSTEM - BRIEFING NOTE

The Committee considered the report which provided an update on the new Planning and Building Control system. It was noted that the public-facing webpages and back-office system for planning and building control applications would be moving to a new system in late 2022. It was explained that the existing system was coming to the end of its life and would no longer be supported by the supplier. It was highlighted that the new system would provide an improved experience and it was not anticipated that there would be many significant or noticeable changes. It was added that some benefits of the new system were set out in the report.

In response to questions from the Committee, the following responses were provided:

- It was noted that the migration to the new system would involve some downtime but this would be minimised as much as possible.
- Some members noted that responses to member enquiries were sometimes difficult to track as they generally did not contain the original request or reference number. The Assistant Director of Planning, Building Standards, and Sustainability noted that member enquiries were processed separately, outside of the new digital planning system, but highlighted that officers had been reminded to include the relevant background information in responses.
- In response to a query, the Head of Development Management explained that the layout of plans and images was generally dependant on the materials that were submitted by developers. It was noted that the new planning system had a variety of updated technology and that display options could be investigated.
- In relation to decision notices, some members noted that the email notifications were sometimes confusing and did not contain useful, identifying information. The Head of Development Management commented that the new system would be better at linking reference numbers and it would be investigated whether emails could set out why a member was receiving an email; for example, whether they were being notified as a ward councillor or as an objector.

RESOLVED

To note the report.

9. NEW ITEMS OF URGENT BUSINESS

There were no items of urgent business.

10. DATES OF FUTURE MEETINGS

To note the dates of future meetings:

20 February 2023

CHAIR: Councillor Barbara Blake

Signed by Chair

Date