

## NOTICE OF MEETING

# STRATEGIC PLANNING COMMITTEE

**Monday, 20th February, 2023, 7.00 pm - George Meehan House, 294 High Road, Wood Green, London, N22 8JZ (watch the live meeting [here](#), watch the recording [here](#))**

**Members:** Councillors Barbara Blake (Chair), Reg Rice (Vice-Chair), Nicola Bartlett, John Bevan, Cathy Brennan, Lester Buxton, Luke Cawley-Harrison, George Dunstall, Ajda Ovat, Matt White and Alexandra Worrell, subject to the membership agreed by Full Council on 13 February 2023.

**Quorum:** 3

### 1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

### 2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

**4. URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under item 10 below).

**5. DEPUTATIONS / PETITIONS / PRESENTATIONS / QUESTIONS**

To consider any requests received in accordance with Part 4, Section B, paragraph 29 of the Council's constitution

**6. MINUTES (PAGES 1 - 8)**

To confirm and sign the minutes of the Strategic Planning Committee meeting held on 20 October 2022 as a correct record.

**7. MEMBERSHIP**

To receive a verbal update on the membership of the Strategic Planning Committee and the Planning Sub-Committee.

**8. PLANNING AND BUILDING CONTROL 2022-23 - QUARTER 3 UPDATE (PAGES 9 - 22)**

To consider a report on the work of Planning and Building Control up to December 2022.

**9. RECENT GOVERNMENT ANNOUNCEMENTS ON PLANNING (PAGES 23 - 28)**

To receive an update on recent government announcements in relation to planning issues.

**10. NEW ITEMS OF URGENT BUSINESS**

Fiona Rae, Principal Committee Co-ordinator  
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Fiona Alderman  
Head of Legal & Governance (Monitoring Officer)  
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Friday, 10 February 2023

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## **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 .....

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**Report for:** Strategic Planning Committee – 20 February 2023

**Title:** Planning and Building Control 2022/23 – Quarter 3 Update

**Report authorised by:** Rob Krzyszowski, Assistant Director of Planning, Building Standards, and Sustainability

**Lead Officer:** Robbie McNaugher, Head of Development Management and Enforcement; Bryce Tudball, Interim Head of Planning Policy, Transport, and Infrastructure; and Bob McIver, Head of Building Control

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** Non-Key Decision

**1. Describe the issue under consideration**

A report on the work of the Planning and Building Control services to December 2022.

**2. Recommendations**

The Strategic Planning Committee is recommended:

To note the report.

**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 and Building Control 2022/23 Quarter 3 Update**

**Development Management**

- Applications received during 2022/23 (1<sup>st</sup> April – 31<sup>st</sup> Dec): **2,207**
- Applications received during same period 2022/22: **2,657**
- Number of cases on-hand end of Dec 2022: **668** (the transition to the new system means this figure is not fully accurate and likely to be higher)
- Number of cases on-hand end of Dec 2021: **535**
- Appeals decided during 2022/23 (1<sup>st</sup> April – 31<sup>st</sup> Dec): **78**
- Appeals decided during same period 2021/22: **78**
- Appeals dismissed (won) during 22/23 (1<sup>st</sup> April – 31<sup>st</sup> December): **62 (79%)**
- Appeals dismissed (won) during same period 2021/22: **61 (78%)**

- Cumulative performance (applications in time) 2022/23 (1<sup>st</sup> April – 31<sup>st</sup> Dec)
  - **Majors: 100%**
  - **Minors: 84%**
  - **Others: 87%**
  - **PS0: 83%**

Appendix One explains the categories of applications.

### Performance overview

- 5.1 As set out above performance is at 100% for 'Majors' applications. Our performance for 'Minor' applications has declined slightly due to delays relating to the change to the new system at 94%. There has been a further slight decline in performance for 'Other' applications at 87% and PS0 applications at 83% due to the change to the new system. However given the resource it has taken to deliver the transition to a new database and associated delays to applications during this transition in October the figures are very positive. Appeal performance has also increased which is positive.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23 to Dec
<b>Majors</b>	100%	100%	100%	100%	100%	100%	100%
<b>Minors</b>	88%	98%	98%	94%	95%	90%	84%
<b>Others</b>	90%	98%	98%	96%	97%	91%	87%
<b>PS0</b>	86%	89%	90%	91%	91%	91%	83%
<b>A.O.D.</b>	68%	69%	86%	90%	91%	88%	84%

#### **Cumulative Performance (April-March from 2016/17 onwards)**

- 5.2 The Government has three measures of application performance which the Council must remain within thresholds for. If we breach these thresholds we may 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 2022/23 (1<sup>st</sup> April to 31<sup>st</sup> Dec) we have decided the following:

- **11 'Major'** applications (compared to the 9 during the same period last year)
- The average time of decision has increased from 205 to 287 days but all have been subject to planning performance agreements or extensions of time due to the need for S106 agreements on applications of this scale.

	18/19	19/20	20/21	21/22	22/23 to Dec
No. of Major Apps decided	27	19	20	15	11

**Major applications decided over past five years**

- **247 'Minor'** applications (compared to the 282 'Minor' applications last year)
- The average decision time has increased from 103 days to 141 days
- **948 'Other'** applications (compared to the 1018 'Other' applications last year)
- The average decision time has increased from 72 days to 93 days (a result of delays in October and efforts to clear some backlog applications)

5.4 The length of time taken to validate an application is at an average of 28 days, increased from 15 days due to the delays during the transition to the new system.

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 current backlog may continue to increase end to end times:

	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>	<b>2021-2022</b>	<b>2022-2023 (April – Dec)</b>
<b>Received</b>	3574	3094	3308	3375	2236
<b>Approved</b>	2963 (89%)	2576 (89%)	2590 (85%)	2535 (84%)	1897 (88%)
<b>Refused</b>	356 (11%)	314 (11%)	475 (15%)	499 (16%)	249 (12%)
<b>Total decided</b>	3,319	2,890	3,065	3,034	2146

5.6 Officer caseloads are at around 57 per officer in Q3 of 2022/23 financial year, which is an increase from 54 last year.

5.7 The number of on hand applications has increased compared to this time last year. As of the end of December 2022, there were 686 on hand applications (up from 535 on this time last year). This is due to a large number of approvals of detail applications and a backlog of applications accumulated last year. Following the implementation of the new system there is now a significant effort to address this and reduce this figure.

5.8 The number of applications over 26 weeks is now at around 170. Many of these cases are complex or awaiting section 106 sign off or approval of details applications for major developments requiring detailed discussions with consultees but many are due to the current backlog. With new staff in place significant efforts can now be made to reduce this.

Pre-application advice

5.9 During 2022/23 1<sup>st</sup> April to 31<sup>st</sup> December there have been:

- 132 pre-application meetings (same period last year: 136) generating a total of £204,212 in income (same period last year: £171,775)
- 65 householder pre-application meetings (same period last year: 89) generating £26,591 in income compared to (same period last year: £30,560)

- 5.10 The use of Planning Performance Agreements (PPAs) during the period 2022/23 has generated £278,083 in income, compared to £693,000 last year within the same period. The team is continuing to encourage the use of PPAs for a wider range of work. Several PPAs are expected to be agreed in the coming months so income will be comparable to last financial year.
- 5.11 Express householder written advice, fast-track certificate of lawfulness and new fast-track application services have been introduced more recently and proved popular with customers whilst increasing income for the service. From 1<sup>st</sup> April to 31<sup>st</sup> December 2022/23 we have received:
- 29 instances of Express Pre-applications generating a total of £7,984.00.
  - 11 instances of Fast Track Certificate of Lawfulness applications generating a total of £8,517.20.
  - 5 instances of Fast Track Householder applications generating a total of £3,530.

## Planning Decisions

- 5.12 The final government threshold relates to overturns of refusals (officer and committee) on applications on appeal. We are at 1% on minor / other applications.
- 5.13 For major applications the measure for quality of planning decisions is the percentage of the total number of decisions made that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period.
- 5.14 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. The average percentage figure for the assessment period as a whole is used.
- 5.15 The threshold for designation on applications for both major and non-major development, is 10% of the 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.
- 5.16 The Department for Levelling Up, Housing and Communities has confirmed that we have avoided designation this period (2019-21) achieving a figure of 2.7%.
- 5.17 For the next designation period (2020-22) we do not expect to breach the threshold with the figure currently at 5.7% with no further major appeals pending.
- 5.18 Haringey's performance for 2019/21 and 2020/22 is as follows:



Type of application	Number of apps	Number of overturns	% (Threshold 10%)
Majors 19/21	37	1	2.7%
Majors 20/22	35	2	5.7%

5.20 The results of the government's own figures are due to be published in June.

### Planning Enforcement

- Enforcement complaints received during 1<sup>st</sup> April to 31<sup>st</sup> December 2022/23: 519 compared to the 589 Enforcement complaints received during the same period last year.
- Enforcement notices served during 1<sup>st</sup> April to 31<sup>st</sup> December: The transition to the new system means figures may be inaccurate but indicate 28 compared to the 55 Enforcement notices served during the same period last year.

5.21 Of the complaints 51% were acknowledged within one working day of receipt. This measure is down from 66% last year, as a result of the implementation of the new system which led to complaints being held for 3 weeks before being added to the new system once it was operational. The Planning Enforcement Team has a target to make a decision on all enforcement complaints within 8 weeks. Current performance for 1<sup>st</sup> April to 31<sup>st</sup> December 2022/23 is 97% compared to 99% last year.

5.22 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 the Proceeds of Crime Act (POCA) 2002. There are a number of prosecutions that are still going through the courts (these take a significant length of time) including a recent POCA that was deferred in November until June 2023.

5.23 Officers are working with colleagues in other departments to explore bringing Financial Investigation Services in house to increase the proportion of income received from confiscation orders.

5.24 The Planning Enforcement Team has advertised the vacant Deputy Team Manager role following the appointment of Abiola Oloyede as permanent Team Manager following a period of acting up to the role.

### Member Training & Site Visits

5.25 Member site visits have taken place visiting Clarendon in Wood Green, Tottenham Hale and Woodbury Down and Kings Crescent in LB Hackney and more recently The Harringay Warehouse District and Haringey Design Award overall winner the Green House. Future training on viability will be provided and a site visit to some of the now complete Argent Related developments in Tottenham Hale is scheduled for 3<sup>rd</sup> March. Officers are looking at options for future site visits which include; The Tottenham Hotspur Stadium, recently

completed Council Housing projects and officers would welcome Cllrs' views on other options or priorities.

## New system for planning applications

- 5.26 Following on from the report presented to Strategic Planning Committee in October, Development Management has subsequently implemented the new system for planning applications and enforcement (known as 'Arcus') with a staged implementation which began on the 31 October 2022. Whilst this has led to some delays as noted above, overall the transition has been very successful.
- 5.27 Work is ongoing to improve the system, in particular the public portal, and maximise efficiency. Since the launch of the new portal enhancements have included:
- Configuring the advance search options to be more logical and in line with feedback
  - Providing clearer search results displaying the key information users require such as 'status' and key dates
  - The option to comment on an application will not close until the recommendation has been made by the officer rather than when the 21 days consultation ends.

## Planning Policy & Infrastructure

### New Local Plan

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

Document	Regulation	Date
<b>New Local Plan First Steps Engagement consultation</b>	Reg 18	November 2020-February 2021
<b>Draft Local Plan consultation</b>	Reg 18	Spring 2023
<b>Proposed Submission Local Plan consultation</b>	Reg 19	Winter 2023
<b>Submission &amp; Examination</b>	Reg 22-25	2024
<b>Adoption</b>	Reg 26	2024

5.29 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. The Council is currently in the process of finalising the evidence base to support the Draft Local Plan to include an update to the **Cost of Carbon Study** prepared by Etude et al in 2020 and the completion of an in-house **Tall Buildings Study** which will help inform a definition of tall buildings in a Haringey context as well as appropriate locations within the borough for tall buildings.

5.30 The drafting of the **Draft Local Plan** is currently at an advanced stage with a focus on **embedding placemaking throughout the document**. A series of placemaking objectives and priorities are being developed for Haringey which will provide a clear direction of the type of borough and kinds of places which the Council wants to help create. The Draft Local Plan will also break the borough down into a series of neighbourhoods (circa 10 to 12). For each of these it will set out a place-specific vision and objectives and identify clearly how new development and buildings can help contribute to this. This will be underpinned by a new policy on delivering placemaking which will ensure that all development proposals are located, designed, constructed, and operated in a manner consistent with the Council's placemaking objectives, priorities, and approach. Approval to consult will be sought from Strategic Planning Committee and Cabinet in Spring 2023. At the same time key evidence base documents will be published together with a comprehensive Consultation Report setting out the feedback received from the community and other stakeholders as part of the First Steps Engagement.

5.31 The Planning Policy Team is also in the process of commissioning a consultant to prepare an **Infrastructure Delivery Plan (IDP)**. This will be data-led/digitally focused and will be prepared in a genuinely collaborative way in partnership with a range of internal and external stakeholders. It will support the next iteration of the New Local Plan (i.e. the submission version) and will help ensure that the right strategic and local infrastructure provision is planned for to meet the needs of the borough's residents and businesses and to make Haringey's places sustainable, resilient and successful.

Other planning policy workstreams

5.32 On 22 December 2022 the Government launched an extensive **consultation on reforms to national planning policy in relation to the Levelling-up and Regeneration Bill**. Further detail is provided to the Committee within a separate report.

**Building Control**

Building Control	2018/19	2019/20	2020/21	2021/22	2020/23 to 31 Dec
Applications	1996	2323	1717	2645	1567
Fees	604k	600k	561k	766k	450k
Site visits	6817	6278	5603	6243	4462
Market share	54%	62%	53%	57%	41%
Dangerous Structures	190	162	159	225	159
Demolition Notices	13	29	20	18	14

- 5.33 The applications to date this year are slightly below previous years over the same period, however our market share has decreased as a result of private building control submitting significant applications prior to the new Building Regulations in June, in order to take advantage of the transitional period. Building Control have received a significant number of new housing schemes and continue to work on the majority of high schemes within the Borough. The fee income figure is unrealistically low due to limited invoicing carried out over this period as a result of the move to the new system – this is currently being resolved.

**Dangerous structures**

- 5.34 There have been 159 dangerous structures so far this year, including a number of significant out of hours call outs where we had to call out our dangerous structure contractor to remove the danger, one of which involved the demolition of an entire building. It should be noted that where we request the help of our dangerous structure contractor, there is a cost attached to this that initially comes out of Building Control's budget until we can invoice the owner.

**Building Act & Fire Safety**

- 5.35 The Government continues to release various consultation documents relating to the Building Safety Act and we continue to wait for the secondary legislation that will provide the detailed timescales along with the detailed legislation that we will follow in the future.
- 5.36 We have also met with DLUHC officers to discuss the proposal for Building Control to collect the proposed Building Safety Levy on behalf of the Government. This is still at an early stage, however it has been very useful in trying to guide their thinking.

**Single staircases in high rise residential buildings**

- 5.37 As reported to the previous Strategic Planning Committee meeting, in late August 2022 DLUHC issued a circular on single stair provisions in very tall residential buildings and applicability of the building control 'Approved

Documents' requirements. The contents of the circular are précised below and form the basis of reviews carried out by Haringey Building Control:

*The Department agrees with Building Regulation Advisory Committee (BRAC) and is concerned that some very tall residential buildings are being designed on the incorrect premise that the guidance in the Approved Document is suitable for these types of uncommon building situations without due consideration by the designers on the applicability of the guidance. I am writing to remind you of the need to consider the suitability of the design guidance in Approved Document B and the need for robust, evidence based, design by suitably competent professionals, particularly in relation to fire and structural safety issues of uncommon building situations such as very tall residential buildings proposed with a single stair.*

*While the legal requirements are contained in the Building Regulations, the approved documents contain guidance on how to meet those legal requirements in common building situations. The Approved Documents may not provide appropriate guidance if the case is unusual in terms of its design, setting, use, scale or technology. The Manual to the Building Regulations already sets out that "Non-standard conditions may include any of the following:*

- a. difficult ground conditions*
- b. buildings with unusual occupancies or high levels of complexity*
- c. very large or very tall buildings*
- d. large timber buildings*
- e. some buildings that incorporate modern construction methods.*

*Where design proposals are not for common building situations – such as very tall residential buildings – then building control bodies should be clear with the applicant and/or their design teams at the earliest opportunity and emphasise the need for designs supported by robust evidence including where necessary the level of technical analysis required to demonstrates compliance with the building regulations, particularly for fire and structural safety aspects.*

*Such situations are likely to require a detailed fire engineering analysis.*

- 5.38 On 7 December 2022 the National Fire Chiefs Council published a position statement<sup>1</sup> saying "NFCC believe, that 18 metres or has at least 7 storeys must become the threshold at which more than one staircase should be required in new residential buildings...". It is important to note that the NFCC is the "professional voice of the UK Fire & Rescue Service", has a UK wide remit and is not just focused on London, does not constitute government policy or formal planning policy and does not necessarily reflect the position of the London Fire Brigade.

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<sup>1</sup> [www.nationalfirechiefs.org.uk/News/nfcc-calls-for-new-high-rise-residential-buildings-to-have-more-than-one-fire-escape-staircase](http://www.nationalfirechiefs.org.uk/News/nfcc-calls-for-new-high-rise-residential-buildings-to-have-more-than-one-fire-escape-staircase)

- 5.39 On 23 December 2022 DLUHC published a consultation<sup>2</sup> on fire safety matters including single staircases which proposes to change the existing regulatory context and approach. The consultation proposes that a second staircase may be required for new residential buildings more than 30 metres tall as part of building control 'Approved Document B' requirements.
- 5.40 The DLUHC consultation emphasises that "There is no evidence that suggest that existing buildings with a single stair above the proposed threshold pose a life safety risk". The consultation also considers the impact on financial viability of developments and states "the provision of a second staircase could make developments unviable due to a reduction of saleable floor space and increase costs" [sic] and "this is likely to reduce the amount of affordable housing that can be provided by developers".
- 5.41 It is expected the government will come to a confirmed position on this matter in the spring and then, if introduced, there would be a transitional period to allow for schemes to be completed before coming into effect. Before it comes into effect, some schemes would still be subject to the stringent requirements for detailed fire engineering analysis as required by the August 2022 circular set out above, and other existing policy and regulatory requirements.
- 5.42 On 8 February 2023 the Mayor of London / Greater London Authority published a statement<sup>3</sup> confirming how the NFCC statement and DLUHC consultation should be applied in London. It states:

*...with immediate effect, all planning applications which involve residential buildings over 30 metres in height will need to be designed to provide two staircases before they are referred to us at Stage 2 for the Mayor's decision. We recognise that the earlier statement by the NFCC referenced over 18 metres but, to be clear, our requirement for two staircases applies to residential buildings over 30m in line with the national position ...*

*Jules Pipe, Deputy Mayor, Planning, Regeneration and Skills  
Tom Copley, Deputy Mayor, Housing and Residential Development*

- 5.43 Officers will continue to advise the Committee on the latest requirements in place at the time for particular planning applications.
- 5.44 Alongside this, there is also the ongoing review of BS 9991 (the British Standard that relates to 'Fire safety in the design, management and use of residential buildings'), where there is specific discussion regarding single staircases and this will also form the basis of future policy.

#### New system for building control

- 5.45 We went live with the new system for Building Control (known as 'Arcus') on 31 October 2022. Implementation of this system has been both difficult and time consuming, although officers are responding well to it. We will be continuing to

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<sup>2</sup> [www.gov.uk/government/news/government-proposes-second-staircases-to-make-buildings-safer](https://www.gov.uk/government/news/government-proposes-second-staircases-to-make-buildings-safer)

<sup>3</sup> [www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/referral-process-lpas#statement-regarding-fire-safety-and-tall-buildings-title](https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/referral-process-lpas#statement-regarding-fire-safety-and-tall-buildings-title)

develop and enhance all areas of the system in order to help officers further, but also to help applicants, agents, members of the public and members to have an easier experience of interacting with the system.

## **6. Contribution to strategic outcomes**

- 6.1 The Planning and Building Control services contribute to the Corporate Delivery Plan's focus on tackling inequality, climate justice and health across all of the various themes.

## **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 1000m<sup>2</sup>
- Office / light industrial - 1000+ m<sup>2</sup> / 1+ hectare
- General industrial - 1000+ m<sup>2</sup> / 1+ hectare
- Retail - 1000+ m<sup>2</sup>/ 1+ hectare
- Gypsy/traveller site - 10+ pitches
- Site area exceeds 1 hectare

#### **Minor Development**

- 1-9 dwellings (unless floorspace exceeds 1000m<sup>2</sup> / under half a hectare)
- Office / light industrial - up to 999 m<sup>2</sup>/ under 1 hectare
- General industrial - up to 999 m<sup>2</sup>/ under 1 Hectare
- Retail - up to 999 m<sup>2</sup>/ 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 (AOD), discharge of conditions, non-material amendments

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**Report for:** Strategic Planning Committee – 20 February 2023

**Title:** Recent Government Announcements on Planning

**Report authorised by:** Rob Krzyszowski, Assistant Director of Planning, Building Standards, and Sustainability

**Lead Officer:** Bryce Tudball, Interim Head of Planning Policy, Transport, and Infrastructure

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** Non-Key Decision

## 1. Describe the issue under consideration

- 1.1 On 22 December 2022, the Government launched a consultation on reforms to national planning policy in relation to the Levelling-up and Regeneration Bill (LURB). The consultation seeks views on the Government's proposed approach of updating the National Planning Policy Framework (NPPF) (with changes planned to take effect from Spring 2023). In addition, the consultation seeks views on the Government's overall planning reforms, proposed approach to preparing National Development Management Policies (NDMPs) and how national planning policy is currently accessed by users.
- 1.2 This report provides information on the content of this consultation and invites comment. The response to the consultation must be submitted by 2 March 2023 and will be signed off by the Cabinet Member for Housing Services, Private Renters and Planning.

## 2. Recommendation

The Strategic Planning Committee is asked:

To note and discuss the Government's proposed update to the National Planning Policy Framework (NPPF) and its proposed planning reforms.

## 3. Reasons for decision

Not applicable.

## 4. Alternative options considered

The Council could choose not to respond to the consultation but this is not considered appropriate as it would not ensure the Council's views about some of the proposals are formally on record as part of the Government's consultation.

## 5. Recent Government Announcements on Planning

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- 5.1 In the past few years, there have been large numbers of Government announcements about forthcoming planning reform.

Planning for the Future: White Paper

- 5.2 In August 2020 the Government published the Planning for the Future White Paper for consultation setting out the Government's intentions and proposals for long-term reform of the planning system in England. The consultation was wide-ranging covering Local Plans, planning decisions and to a lesser extent implementation and enforcement. The Council submitted a response setting out opposition to a number of proposals and seeking re-assurance in relation to others.

- 5.3 Over 40,000 responses were submitted to the consultation and as a result there was a delay in the Government setting out its next steps. Initially the proposals were due to be delivered via a standalone Planning Bill, however that piece of legislation has since been scrapped with the Government confirming subsequently that the Planning White Paper has now concluded with no formal response.

Levelling-up White Paper

- 5.4 In February 2021 the Government published the Levelling Up White Paper setting out how it intends to spread opportunity more equally across the UK. The White Paper set out that the planning system in England would be reformed and indicated it would introduce legislation to Parliament to underpin in statute the changes fundamental to levelling up, alongside wider planning measures.

Levelling-up and Regeneration Bill

- 5.5 In May 2022 the Government published a Levelling-up and Regeneration Bill (LURB) together with a complementary policy paper. The explanatory notes to the bill explained that the "the new system will be based on the principles of beauty, infrastructure, democracy, environment and neighbourhood engagement". Full details of the Bill were provided in the 14 June 2022 report to this Committee.

Reforms to national planning policy in relation to LURB

- 5.6 On 22 December 2022 the Government published a consultation on reforms to national planning policy in relation to the LURB. The consultation seeks views on the Government's overall planning reforms and proposed approach of updating the NPPF. The consultation period ends on 2 March 2023 and the Government has advised that they will respond to the consultation in Spring 2023, adopting the NPPF revisions as part of this exercise.
- 5.7 The proposed revisions to the NPPF are significant, with the key proposals which would affect Haringey as follows:

- Discouraging “densities significantly out of character with the existing area” whilst also encouraging dense development on brownfield land where “density should be optimised”
  - Removal of requirement for Local Planning Authorities (LPAs) to continually demonstrate a deliverable five-year housing land supply, providing its housing requirement in its strategic policies is less than five-year years old (Haringey is subject to the strategic policies in the London Plan, the most recent version of which was adopted in 2021)
  - Changes to the tests of soundness for plan-making including removal of ‘justified’ test as part of a more proportionate approach to the examination of Local Plans
  - When establishing housing need, reference to older people is proposed to be widened to include retirement housing, housing with care and care homes.
  - Reference to giving significant weight to the need to support energy efficiency improvements through the adaptation of existing buildings, particularly large non-domestic buildings.
  - Regular additional referencing to supporting ‘beauty’ in design and placemaking and stronger emphasis on local design codes. This is consistent with previous Government announcements.
  - Detailed policy generally supporting the use of mansard roof extensions for upward extensions.
  - Planning conditions should link to plans which provide visual clarity about design and clarity about approved materials.
  - Transition arrangements for both plan making and decision making. A timeline for the transition to the reformed plan-making system is proposed following anticipated Royal Assent of the Bill.
- 5.8 Of note, there are proposed revisions to the NPPF which do not directly affect Haringey but which are likely to have a significant adverse implication for housing supply at a national level. These relate to the calculation of a LPA’s housing requirement having regard to the Government’s standard methodology (note: this methodology does not apply in London), the need to meet ‘objectively assessed needs’ and the provision of greater protection for the Green Belt.
- 5.9 Alongside the specific changes proposed to the NPPF, the consultation calls for views on wider range of proposals and signals areas that it expects to consider as part of a wider review of the NPPF to follow Royal Assent of the LURB. The Government states it will consult on the detail of these wider changes next year, reflecting responses to the consultation. These wider changes include:
- National Development Management Policies (NDMPs) which are intended to save LPAs from having to repeat nationally important policies in their own Local Plans, so that plans can be quicker to produce and focus on locally relevant policies. The Government is proposing that NDMPs are set out separately from the NPPF, which would be re-focused on principles for plan-making. When introduced, NDMPs would be national policy and become part of the formal ‘Development Plan’ with statutory weight to be attached to them.

- New ‘Neighbourhood Priorities Statements’ as a quick and formal way for Neighbourhood Forums to input into Local Plans
- Not allowing new Supplementary Planning Documents (SPDs) to be adopted, ceasing effect of all existing SPDs, and enabling new “Supplementary Plans” instead which require a formal examination
- Giving greater importance to “Social Rent” homes
- Taking into account as a material consideration in planning decisions an “applicant’s past irresponsible behaviour” and delivery trajectories
- A further revised NPPF refocused on plan-making policies
- Details of the “alignment policy” to replace the duty to cooperate with neighbouring authorities and statutory bodies regarding strategic and infrastructure matters
- Possible increases to planning fees
- Local Plans to be prepared within a shorter two years’ timeframe with increased community consultation
- More small sites for small builders and policies to boost build out rates
- Mandatory authority wide design codes
- Commitment to review the practical planning barriers that households can face when installing energy efficiency measures in their homes and how emissions can be better measured & reduced in the built environment
- The design of the new ‘infrastructure levy’ proposed to replace the Community Infrastructure Levy

5.10 The Planning Policy Team is currently drafting a comprehensive response to the consultation. Among other points this will set out:

- support for removal of five-year housing land supply requirement where a LPA’s strategic policies are less than five years old (this is the case in Haringey);
- support for a more proportionate approach to the examination of Local Plans
- support for giving significant weight to the need to support energy efficiency improvements through the adaptation of existing buildings, although noting the need to balance this against other considerations such as protecting the historic environment;
- concern over the proposed application of NDMPs, in particular Local Plans being precluded from including policies which are inconsistent with the NDMPs and NDMPs taking precedence where there is a conflict between them and development plan policies
- support for greater importance given to low cost rented housing in national planning policy
- opposition to applicant’s past behaviour and trajectories becoming a material consideration in planning decisions due to the added complexity, potential grounds for legal challenges, and to stick to the long-established principle that planning decisions should be based on the planning merits rather than who the applicant is.
- the importance of consultation on more details in due course, with relevant parliamentary scrutiny of any new primary or secondary legislation, and the need for a lengthy transition period to minimise disruption;

- the importance of ensuring that planning departments are properly resourced and that they are supported to do this with an increase in planning fees.

**6. Contribution to strategic outcomes**

6.1 Changes to the planning system are relevant to all outcomes in the Corporate Delivery Plan.

**7. Background documents**

Levelling-up and Regeneration Bill: reforms to national planning policy document: <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

National Planning Policy Framework draft text for consultation: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1126647/NPPF\\_July\\_2021\\_-\\_showing\\_proposed\\_changes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf)

**8. Local Government (Access to Information) Act 1985**

N/A

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