

NOTICE OF MEETING

REGULATORY COMMITTEE

Thursday, 5th July, 2018, 7.00 pm - Civic Centre, High Road, Wood Green, N22 8LE

Members: Councillors Vincent Carroll (Chair), Reg Rice (Vice-Chair), Dhiren Basu, John Bevan, Luke Cawley-Harrison, Justin Hinchcliffe, Sarah James, Peter Mitchell, Sheila Peacock, Viv Ross, Yvonne Say, Preston Tabois and Sarah Williams

Quorum: 4

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. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. 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 and using the public seating area, 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

3. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. Late items will be dealt with under the agenda item where they appear. New items will be dealt with at item 9 below.

4. 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

5. MINUTES (PAGES 1 - 4)

To approve the minutes of the meeting held on 12 February 2018 and 24 May 2018.

6. ADOPTION OF STREET TRADING FEES

To follow

7. PLANNING SERVICES 2017/18 UPDATE (PAGES 5 - 48)

8. PLANNING SERVICES QUARTER ONE UPDATE

To receive a verbal update.

9. NEW ITEMS OF URGENT BUSINESS

To consider any new items of urgent business admitted under agenda item 3 above.

10. DATES OF FUTURE MEETINGS

18 October 2018
21 January 2019
5 March 2019

Felicity Foley, Principal Committee Co-ordinator
Tel – 020 8489 2919
Fax – 020 8881 5218
Email: felicity.foley@haringey.gov.uk

Bernie Ryan
Assistant Director – Corporate Governance and Monitoring Officer
River Park House, 225 High Road, Wood Green, N22 8HQ
Wednesday, 27 June 2018

**MINUTES OF THE MEETING OF THE REGULATORY COMMITTEE HELD ON MONDAY,
12TH FEBRUARY, 2018, 6.00 - 6.15 pm**

PRESENT:

**Councillors: Natan Doron (Chair), Toni Mallett (Vice-Chair), David Beacham,
John Bevan, Barbara Blake, Clive Carter, James Patterson, Reg Rice and Ann Waters**

47. FILMING AT MEETINGS

Noted.

48. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Brabazon.

49. URGENT BUSINESS

None.

50. DECLARATIONS OF INTEREST

None.

51. MINUTES

RESOLVED that the minutes of the meeting held on 8 January 2018 be approved.

52. MEMBERSHIP REPORT

RESOLVED that

- i) the appointment of Councillor Joanna Christophides to the Planning Sub Committee be approved; and**
- ii) the appointment of Councillor Joanna Christophides to the Regulatory Committee be noted.**

53. PLANNING SERVICES FEES AND CHARGES

Emma Williamson introduced the report as set out. She advised that where the figures were not a round number, they would be rounded up or down to the nearest ten pence.

RESOLVED

- i) that the increase in fees or charge rates for Development Management and Building Control services as set out in appendix 1 and 2, be approved;
- ii) that the Cabinet Member Signing in November 2017 which accepted the 20% increase in national statutorily set Planning Application fees be noted; and
- iii) that it be noted that there is no proposal to increase the Land Charges fees.

54. NEW ITEMS OF URGENT BUSINESS

None.

CHAIR: Councillor Natan Doron

Signed by Chair

Date

MINUTES OF THE MEETING OF THE REGULATORY COMMITTEE HELD ON THURSDAY, 24TH MAY, 2018, 9.05 - 9.15 pm

PRESENT:

**Councillors: Vincent Carroll (Chair), Dhiren Basu, John Bevan,
Luke Cawley-Harrison, Justin Hinchcliffe, Sarah James, Peter Mitchell,
Reg Rice, Viv Ross, Yvonne Say, Preston Tabois and Sarah Williams**

1. FILMING AT MEETINGS

The Chair drew attention to the notice on the agenda in relation to filming at meetings.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. URGENT BUSINESS

None.

4. DECLARATIONS OF INTEREST

Councillor Ross declared that he was employed in the gambling industry, though noted that there was no related business on the agenda.

5. ESTABLISHMENT OF PLANNING AND LICENSING SUB COMMITTEES 2018/19

The Committee considered a report on the formal establishment of the sub bodies of Regulatory Committee. for the 2018/19 municipal year. It was proposed that a Planning Committee and two Licensing Committees be established to discharge the respective functions as set out with the Council Constitution. The terms of reference and tabled proposed membership of these Committees were noted.

RESOLVED

- To note the terms of reference of the Regulatory Committee as set out within the Council's Constitution, as attached at Appendix 1, and confirm the terms of reference of the Planning and Licensing Sub-Committees attached as Appendix 3 of the report
- To establish a Planning Sub-Committee and two Licensing Sub-Committees with the memberships set out in Appendix 2 to the report, as follows:
 1. Planning Sub-Committee
 - Cllr Carroll (Chair)
 - Cllr Rice (Vice Chair)
 - Cllr Bevan
 - Cllr Cawley-Harrison

Cllr Hinchcliffe
Cllr James
Cllr Mitchell
Cllr Ross
Cllr Say
Cllr Tabois
Cllr Williams

2. Licensing Sub-Committee A
Cllr Carroll (Chair)
Cllr Basu
Cllr Cawley-Harrison

3. Licensing Sub-Committee B
Cllr Rice (Chair)
Cllr Peacock
Cllr Ross

- To note the provisions in the Committee Procedure Rules, Part 4, Section B of the Constitution covering substitution arrangements for Committees and Sub-Committees. Additional delegations are made to the Democratic Services Manager (Part 3, Section E paragraph 1.5 of the Constitution), attached at Appendix 4ii to the report, for the appointment of a substitute Member for a Licensing Sub-Committee from among the Members of the Regulatory Committee when the permanent Sub-Committee Member is unable to attend for any reason.
- To note that the Council Procedure Rules in Part 4 Section B of the Constitution do not apply to licensing hearings only in those areas where they conflict with the Local Licensing Procedure Rules and the relevant Acts and Regulations which take precedence.

6. NEW ITEMS OF URGENT BUSINESS

None.

7. DATES OF FUTURE MEETINGS

The Committee noted the future meetings would be on 5 July and 18 October 2018, and 21 January and 5 March 2019.

Emma Williamson, Assistant Director for Planning, reminded Members of the need to attend the training sessions arranged on planning and licensing, in order for Members to participate in the Sub-Committees' deliberations.

CHAIR:

Signed by Chair

Date

Report for: Regulatory Committee

Item number:

Title: Planning Services 2017/18 update

Report authorised by : Emma Williamson, Assistant Director, Planning

Lead Officer: Dean Hermitage, Matthew Patterson, Neil Goldberg, Fortune Gumbo, Bob McIver

Ward(s) affected: N/A

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

1. **Describe the issue under consideration**
A report on the work of the Planning Service in the financial year 2017/18 to date.
2. **Recommendations**
 - a) That this report be noted
 - b) That the Enforcement Plan go forward to Cabinet for approval for consultation
3. **Reasons for decision**
Not applicable
4. **Alternative options considered**
This report is for noting and as such no alternative options were considered.
5. **2017/18 work report**

Development Management

- Applications during **2017/18: 3404**
- Applications in same period **2016/2017: 4020**
- Number of cases on-hand end March **2017/18: 477**
- Appeals during **2017/18: 99**
- Appeals dismissed during **2017/18: 60**
- Cumulative during **2017/18:**
 - Majors : **100%**
 - Minors : **97%**
 - Others : **98%**
 - PSO : **89%**
 - Validation: **9 working days**

Performance overview

- 5.1 ___ Performance has been maintained at 100% and is top quartile in London for 'Major' Applications. Our performance for 'Minor' applications has improved and is top quartile in London at 98%. 'Other' applications have also improved and is now also top quartile in London at 99%. Performance has improved even further in the latter part of the year and we expect to be top quartile in all categories in the next financial year.
- 5.2 In 2017/18 we have decided a total of 32 major applications compared to 35 in the previous financial year. It is expected that this figure will increase in the coming years. The average time of decision has increased from 185 to 233 days between these time periods, however all of these have been subject to planning performance agreements / extensions of time which are mutually agreed with applicants and encouraged in national guidance.
- 5.3 In 2017/18 we have decided 606 'Minor' applications which is a 9% increase on the 544 'Minor' applications decided during 2016/17. There is also a significant reduction in average decision time from 93 days to 68 days. During 2017/18 we have decided 1197 'Other' applications which is a 28% decrease on the 1671 'Other' applications decided during 16/17. The average decision time has reduced from 66 days to 57 days.
- 5.4 Performance on validation has increased from an average of 7 to 9 days, however this is a product of the Systems thinking approach where there is a delay before validation rather than before decision.
- 5.5 Caseloads have remained at around 40 throughout the 2017/18 financial year with its peak during February 2018 at 43 cases per officer, and the lowest during December 2017 at 34 cases per officer. The number of on hand applications is around 50 less than this time last year and this is a reflection of our new approach as well as a focus on resolving a backlog of long standing applications. The on hand applications have remained between 400 and 500 cases throughout the 2017/18 financial year with the peak during May 2017 at 501 on hand applications, and the lowest during December 2017 at 406 on hand applications. As of the end of June, there are currently 462 on hand applications. The number of applications over 26 weeks is now at around 42. These cases are all complex or awaiting section 106 sign off.

Pre-application advice

- 5.6 During 2017/18 there have been 170 pre-application meetings generating a total of £204,166 of income compared to £235,680 generated from 270 pre-application meetings last year within the same period. In 2017/18 there have been 135 householder pre-application meetings generating £40,736 of income compared to £32,906 generated from 202 householder pre-applications meetings last year within the same period.
- 5.7 The use of Planning Performance agreements (PPA's) has continued to increase and so far this year the service has received in excess of £700,000 in income from these agreements and we currently have more than 15 live schemes that have PPA's.

5.8 Meeting the deadline for providing advice following pre-application meetings is steadily improving and continues to be a focus for the team.

Systems Thinking (Planning Solutions Team)

5.9 The Planning Solutions way of working was rolled out across the teams in 2016/17 and has impacted on the end to end time of determining planning applications across the service. The table below is for all applications and is the average end to end time for determination.

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Received	2951	3479	3907	4019	3399
Approved	2372	2807	2935	3255	2659
Refused	338	470	709	506	385
Average day	73	76	69	61	54

5.10 IT issues do continue to hinder further improvement and a new system is still under consideration.

Planning Decisions

5.12 The Planning Committee has met 15 times in 2017/18 and has resolved to grant 3,954 units and 29,187 sq.m. of commercial floorspace.

Planning Enforcement

- Enforcement complaints received during 2017/18: **843**
- Enforcement notices served during 2017/18: **76**

5.13 Improvement of the planning enforcement team is ongoing and performance has improved significantly over the year with notifications of decisions within the 8 week at **92%**. A supplementary pack with all the key planning enforcement statistics is appended to this report.

5.14 Further improvement of the Enforcement Service includes a plan to, amongst other things, make the service self-financing through proceeding with Proceeds of Crime Act (POCA) cases. These will be taken forward in the next financial year. The other key tenant of pursuing POCA is to reduce re-offending and also act as a deterrent to would be offenders.

5.15 Further member engagement on enforcement training and priorities is planned for later on in the financial year.

5.16 A new draft Enforcement Plan is being put before the members for consideration and then to be put before Cabinet to be agreed to be published for consultation. This plan replaces the 'Enforcement Charter and the 'Guide to Planning Enforcement' documents. The key points to note are:

- 1) The policy is produced pursuant to the requirements of the NPPF and the NPPG.
- 2) Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control
- 3) The key changes relate to how the Council will negotiate with parties in breach planning controls depending on the nature of the breach and the identity of the parties. This is meant to address known repeat offenders and parties who have sought permission and proceeded with the works after permission had been declined.
- 4) The use of confiscation powers under POCA. This achieves a number of objectives, namely, to reduce repeat offending; act as a deterrent; and provide essential funding for the enforcement team.

PLANNING POLICY

Haringey Local Plan

- 5.15 July 2017 saw the suite of new Local Plan documents formally adopted by the Council. This included the alterations to the Strategic Policies (2013) to reflect the increase in Haringey's strategic housing requirement from 820 units p.a. to 1,502 within the last iteration of the London Plan. The other Local Plan documents adopted were:
- The Site Allocations DPD – that identifies strategic sites (outside Tottenham) for specific types of development in order to deliver the vision, objectives and spatial strategy of the Strategic Policies;
 - The Development Management DPD – that contains detailed criteria based policies that planning applications for development or land use will be assessed against; and
 - The Tottenham Area Action Plan - Sets out a comprehensive set of policies, proposals and site allocations for future development within the Tottenham area.
- 5.16 In addition to the above documents, work is has continued on preparing an Area Action Plan (AAP) for Wood Green. The purpose of the AAP is to provide a statutory basis for realising the development potential within the Wood Green area, which includes significant Council landholdings, and the opportunities therein to strengthen the status of the Wood Green Metropolitan town centre.
- 5.17 The beginning of 2017 saw the Council undertake consultation on an initial Preferred Option draft of the AAP. This included an ambitious level of growth to support a rejuvenated town centre, with a significant focus on promoting economic growth in Wood Green. The consultation also set out the Council's preferred option of a single more centrally located Crossrail 2 station to serve the area.
- 5.18 A significant number of comments were received, the majority of which were in support of the approach outlined. However, the analysis suggested a number of issues to address including:

- Significant opposition from occupants of properties Caxton, Mayes, and Coburg Rd to the potential inclusion of their homes for redevelopment within the AAP;
- Concerns regarding the ability to manage the potential additional traffic generated by the redevelopment of Wood Green on the existing road network, notably from residents of Wightman Rd and the Harringay Ladder;
- The need, and local support for, the provision of a new swimming pool to address current deficiencies within this area and across the borough as a whole;
- Artists in the Chocolate Factory and other local traders were concerned with being priced out of the area in favour of regeneration;
- The concerns of the residents of Sky City and Page High about how redevelopment of their estates would affect them and what their rights and options were for relocation;
- The uncertainty around the functioning and route of Crossrail 2 (CR2) and whether the Council can and should have regard to the benefits of this strategic transport provision if its delivery is uncommitted.

5.19 Further work was therefore done to address the above concerns. With respect to CR2, legal advice suggested that the Council would be unable to advance an AAP predicated on the provision of CR2, given its status of 'uncommitted'. Given there was a clear appreciation from the vast majority of people engaged at local consultation meetings, exhibitions, and workshops that Wood Green needs to change and grow if it is to remain a successful town centre, the decision was taken to prepare a further 'without CR2' Preferred Option draft.

5.20 This was subject to consultation over February – March 2018. The results of the consultation are being analysed by the team, with these due to be reported to Regulatory Committee and Cabinet later in the year for members to decide on the changes needed to respond to the comments received.

Neighbourhood Planning

5.21 The policy team continue to support neighbourhood forums progressing their neighbourhood plans.

5.22 The Highgate Neighbourhood Plan (NP), which includes areas within both Camden and Haringey, was formally adopted by both councils in July 2017. The adoption following independent examination in December 2016 and a referendum of local residents and businesses in June 2017. The Highgate NP now forms part of the Haringey Local Plan and is used in the determination of planning applications within the Highgate area.

5.23 The Crouch End Neighbourhood Forum and Area were designated by the Council in December 2015. The Forum has been actively engaging the local community in discussions about the issues their plan should address. As yet, the Forum has not yet provided the officers with any draft proposals or policies for comments. Officers from the planning team will continue to offer their support and attendance at forum meetings, and any assistance as necessary to progress their draft plan.

5.24 The policy team have also been engaging with members of an emerging neighbourhood forum for the Finsbury Park area, covering parts of Haringey,

Hackney and Islington. An application was received earlier this year for designating the forum and the neighbourhood area from 14 May to 25 June 2018. This results of the consultation will be reported to the three council, likely to be in September 2018, who will need to decide whether to approve the applications.

S106/CIL

- 5.25 Consultation on revisions to Haringey's existing CIL was held March - May 2017. The CIL revision included an update to the Council's adopted (2014) CIL rate in the south-eastern charging zone from £15m2 to £130m2 for residential development, excluding Mayoral CIL. The rest of the Charging Schedule remained unchanged.
- 5.26 The consultation also invited comments on a revised Regulation 123 List (i.e. the list of infrastructure types the Council intends to spend its CIL on), and the Council's proposed governance arrangements for spending both the neighbourhood and strategic portions of CIL.
- 5.27 While 15 representations were received, only one raised a valid issue – that, for outline applications the Council has already granted, the new CIL rate would be applicable to subsequent reserved matters applications. In these circumstances, the increase in CIL would have a significant detrimental impact on delivering these schemes and the levels of affordable housing negotiated. Following legal advice, it was concluded that the sites affected would discharge their pre-commencement conditions by January 2019. Given there was no desire to undermine the current levels of affordable housing agreed on these sites, Cabinet recommended to delay the revision of the CIL until a projected implementation date of January 2019.
- 5.28 To support the adoption of new policies in the Local Plan and changes made to the Regulation 123 List, consultation was undertaken, over November - December 2017, on a much revised Planning Obligations SPD. Working with legal and other teams across the Council, the revisions also had regard to the Mayor of London's new Affordable Housing and Viability SPG, recent case law, and changes in best practice. The revised SPD was reported to Cabinet in March 2018 and formally adopted.

Other work

- 5.29 An Article 4 Direction, restricting rights to convert warehouses to residential use, was formally brought into effect in July 2017. This was felt necessary to protect the borough's important employment areas from residential encroachment, which can often lead to displacing local businesses and a loss of local jobs.
- 5.30 The policy team also led on drafting the Council's response to the Government's proposed amendments to the National Planning Policy Framework and to developer contributions. The changes proposed have significant implications for Haringey, in particular, the demonstration of housing delivery and penalties for falling short of targets, the loading of viability

considerations on the plan-making process, and how the definition of affordable housing might be broadened even further.

- 5.31 Significant effort has been put in to improving the Council's monitoring processes, ensuring the right data is gathered to monitor the effectiveness of the new Local Plan policies and our development management decisions. The team have sought to put in place processes to allow for quarterly monitoring of key AMR indicators to allow for reporting through the year against targets and is aiming to have a draft 2017/18 AMR available in July 2017.
- 5.32 Going forward the focus of the Policy Team will be on:
- Engagement with the GLA over the implications of the new London Plan for the Borough, including the further increase in Haringey's strategic housing requirement from 1,502 to 1,958 units p.a., the challenging small sites target of over 600 units p.a, and ensuring the new policies to do not undermine our ability to make decisions in the best interests of Haringey.
 - Continuing to review and update our current suite of Supplementary Planning Documents (SPDs), ensuring these remain valid and reflect the new policies of the Local Plan.
 - Engaging and collaborating with our neighbouring authorities over their emerging strategies and plans, especially on cross boundary issue of importance to Haringey.
 - Making meaningful progress on the North London Waste Plan.
 - Continuing to input into other corporate documents and strategies.
 - Actively engaging the development community to better understand why some sites have not come forward for development and why permissions are slow to be built out.
 - Restarting the revision of Haringey's CIL rates in early 2019.
 - Keeping abreast of the publication of further planning and housing reforms.

Conservation

- 5.33 Following the adoption of 6 conservation area appraisals and management plans for the Tottenham High Road Historic Corridor, 2017/18 has seen work commence on a further 7 appraisals: Tower Gardens; Peabody Cottages; Trinity Gardens; Wood Green Common; Bowes Park; Muswell Hill; & Fortis Green. The draft appraisals and management plans for these conservation areas will be reported to Regulatory Committee later in the year for review and endorsement for public consultation.
- 5.34 Work continues to review and update Haringey's Local List (i.e. the list of buildings and features across the Borough that, while not making the grade of statutory listing, are still important to local heritage and worthy of identification and recognition). Work has been progressed with the local CAAC's to evaluate proposals for inclusion on the list, before bring this to Regulatory Committee for approval for formal consultation later in the year.
- 3.35 The team continues to make a major contribution to supporting planning officers in dealing with planning applications affected the Borough's heritage as well as providing input at the pre-application stage.

Transportation Planning

- 5.31 The team's priority has been the new Transport Strategy which was adopted in March 2018. The new strategy outlines the overarching transport policy for the borough over the next 10 years. The strategy supports the council's planning service, the delivery of regeneration and will help secure vital investment to improve Haringey's transport system, in particular to enable more people to walk and cycle.
- 5.32 Sustainable Transport is at the heart of the new strategy and the team is leading on a range of measures to mitigate the impact of motor traffic and reduce the reliance on the private car. These measures include: setting up a car club contract, managing car sharing initiatives and point to point car hire; supporting the use of electric vehicles, installing electric charging infrastructure and working with Transport for London (TFL) to develop a rapid electric charging network within the borough; and introducing a future dockless bike sharing scheme in the borough. Crossrail 2, if approved, will transform access and capacity across much of the Borough and the team continues to work with all parties to promote its introduction. In addition the team is working to secure improvements to a number of rail routes including: the Barking Gospel Oak line and the West Anglia main line through Tottenham Hale and Northumberland Park which will include an additional track between Tottenham Hale and Angel Road to allow a 4 trains per hour service to be introduced serving a redeveloped station at Northumberland Park.
- 5.33 Equally important to Haringey's sustainable transport system is its bus network. The team will be prioritising a review of buses in, and through, Haringey to ensure residents are taken from and to their desired locations and is consistent with the council's regeneration and growth priorities. The team will also work with the bus providers and TFL to support the electrification of their fleets and to ensure the bus network meets the needs of residents.
- 5.34 The team continues to closely work with the Smarter Travel team to deliver behavioural change programmes in schools and communities; cycle promotion and cycle training initiative; and road safety projects. Both teams will shortly be commencing a new staff travel.
- 5.35 Following a successful bid in October 2017, the transport planning team secured £5.8m to deliver a Liveable Neighbourhood in Crouch End Town Centre. The project will encourage more walking, cycling and the use of public transport. The aim is to encourage more active travel in the area, tackle congestion and improve air quality and residents' well-being. The project is funded over four years and the team will assist the council's Sustainable Transport and Highways team to commence and further develop the bid this year.
- 5.36 TFL allocated £1.9m Local Implementation Plan (LIP) funding for transport projects in December for delivery in 2018/19. Transport planning is leading on the planning of cycle routes and improving walking in the borough through the development of a cycling and walking action plan. The team is also working

closely with regeneration and highway engineers on the implementation of a LIP funded major project around White Hart Lane station.

- 5.37 The team is producing the next LIP submission which is for three years from 2019/20 to 2021/22. The LIP will need to be submitted to TFL for approval in February 2019. Following approval, these funds will provide more investment for a range of transport projects and programmes. The amount available has yet to be announced by TFL.
- 5.38 A focus going forward will be preparing the next LIP, the cycling and walking action plan and a bus review. The team will continue to work closely with the Sustainable Transport and Highways team and Smarter Travel team; community groups and stakeholders; and TFL and transport providers, to deliver the prioritise and outcomes set out in the adopted Transport Strategy.

BUILDING CONTROL

- Fee earning Applications received 2017/18 (Apr - Mar) - 1029
 - Fee earning Applications received 2016/17 (Apr – Mar) – 1368
 - Fee income from applications 2017/18 (Apr - Mar) – £686K
 - Fee income from applications 2016/17 (Apr – Mar) – £651K
- 5.35 Haringey Building Control Service continues to provide valued customer services that customers (in their various guises) both appreciate and value. Fee earning applications over the year are lower compared to last year, however fee income is slightly higher, reflecting the nature of the applications we are currently dealing with. Building Control continue to be asked to check applications outside of our Borough (a sign that we are considered contactable, approachable and reliable), although we have to be careful in not taking on more applications than we can service, especially as the work on the major sites in the Borough are becoming more surveyor intensive, requiring more and more inspections. Fee income continues to look positive, partly due to larger projects, such as St Lukes, Hornsey Depot, Hampden Lane and THFC being on site. Work on the THFC stadium continues apace (and will have a major impact on workload over the next 6 months as this will include the issue of the safety certificate) and the last 15 months has been difficult balancing the building works whilst covering other elements of Building Control. Building Control will be issuing the Safety Certificate (although it is likely to be a temporary certificate for the first matches, which again will impact workload) and monitor compliance on a match by match basis.
- 5.36 Dangerous Structures have as always been ever prevalent, both within normal office hours and outside office hours with the team being “called upon” over 150 times in the last year.
- 5.37 BC consult continues to grow in stature providing affordable expert advice to other Council services. This advice ranges from party wall agreements to feasibility studies to structural surveys to structural repairs to bridge inspections and strengthening to highways related works and so on. The consultancy work continues to grow and is widely used by colleagues in Homes for Haringey and continues to be respected throughout the Council. This growth has also been

reflected in the fee income for this service, with the gross income for this area of working being over £600K.

- 5.38 At the end of the year we finally managed to complete the first stage of our restructure, now the challenge is to try and recruit staff into the vacant positions. The last year has been a challenge for the Building Control sector in general given the events in west London and going forward we will, along with other Local Authority Building Control colleagues, will be monitoring and reviewing the recommendations made by Dame Judith Hackitt. It is still too early to judge exactly what direction the Government will take (as the Hackitt review has issued recommendations) and further working groups and consultations are being set up, that we will participate in.

MEMBERS

- 5.39 Members have been on a number of learning visits to large developments around London and a number of members attended a recent training session on viability. The Members training programme is currently being refreshed and it is proposed to rerun the viability training and that training on heritage and conservation will be provided in the new programme. Members should let the Planning Service know of any other training needs.

6. Contribution to strategic outcomes

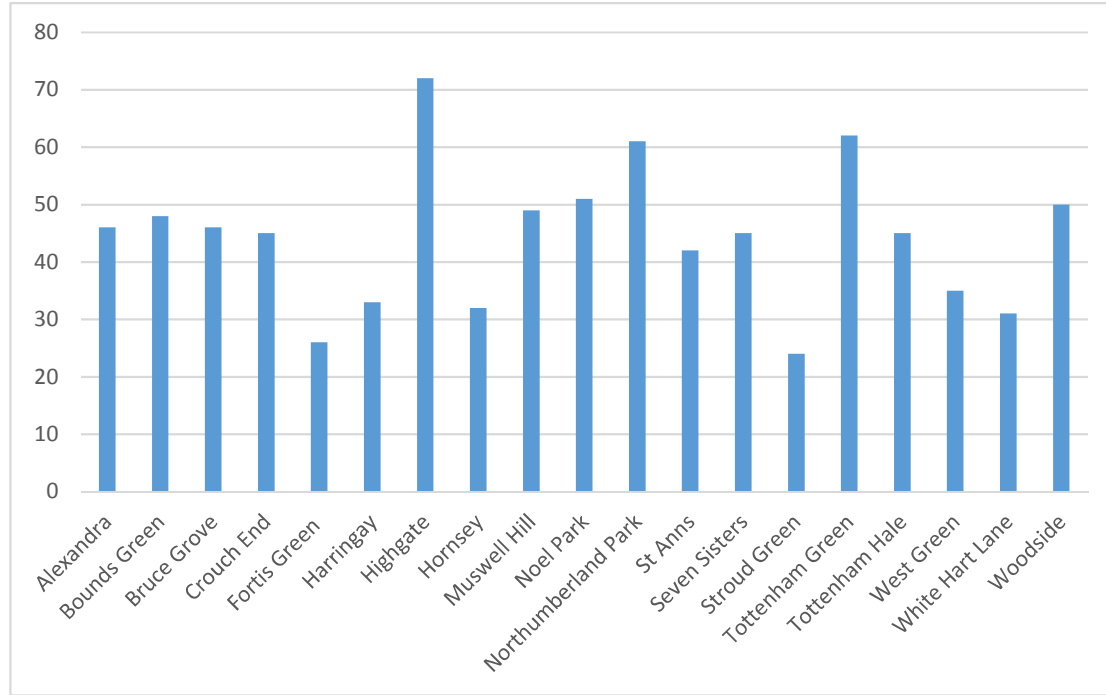
The Planning Service contributes to outcomes in Priority 4 and 5.

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.

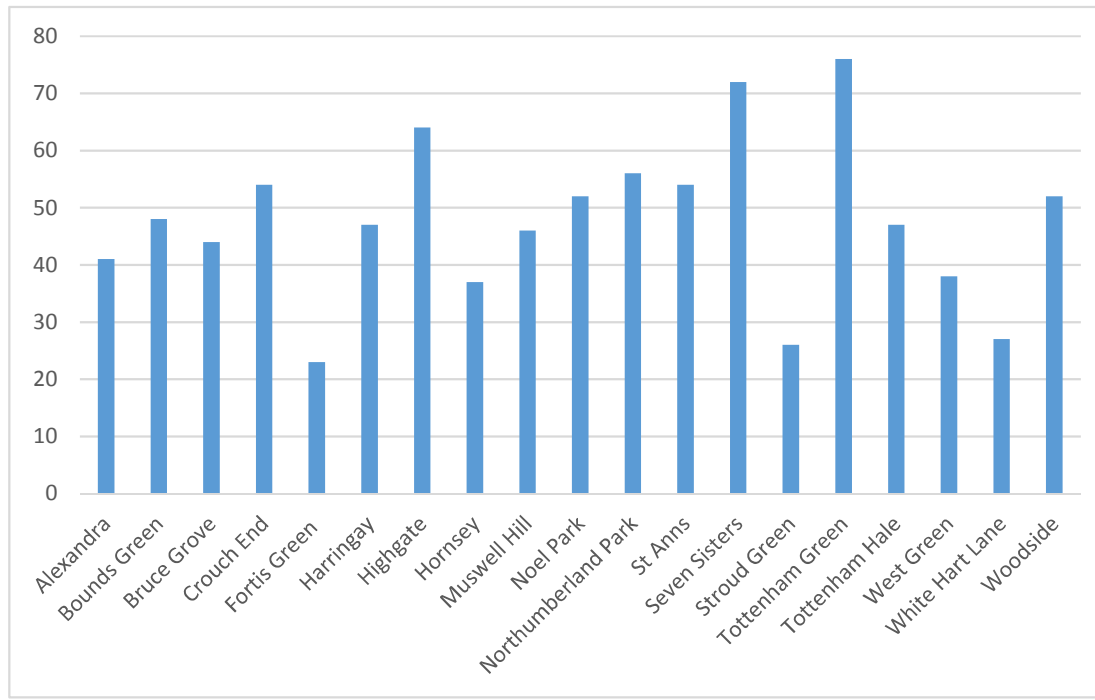
Enforcement cases received by ward

Alexandra	46
Bounds Green	48
Bruce Grove	46
Crouch End	45
Fortis Green	26
Harringay	33
Highgate	72
Hornsey	32
Muswell Hill	49
Noel Park	51
Northumberland Park	61
St Anns	42
Seven Sisters	45
Stroud Green	24
Tottenham Green	62
Tottenham Hale	45
West Green	35
White Hart Lane	31
Woodside	50
TOTAL	843



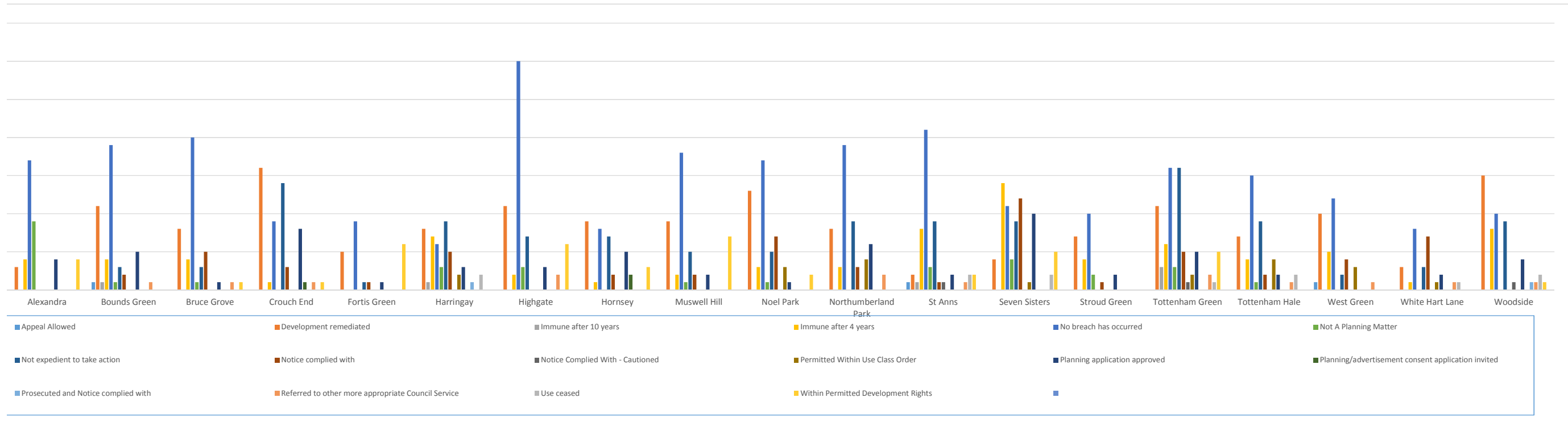
Enforcement cases received by ward

Alexandra	41
Bounds Green	48
Bruce Grove	44
Crouch End	54
Fortis Green	23
Harringay	47
Highgate	64
Hornsey	37
Muswell Hill	46
Noel Park	52
Northumberland Park	56
St Anns	54
Seven Sisters	72
Stroud Green	26
Tottenham Green	76
Tottenham Hale	47
West Green	38
White Hart Lane	27
Woodside	52
TOTAL	904



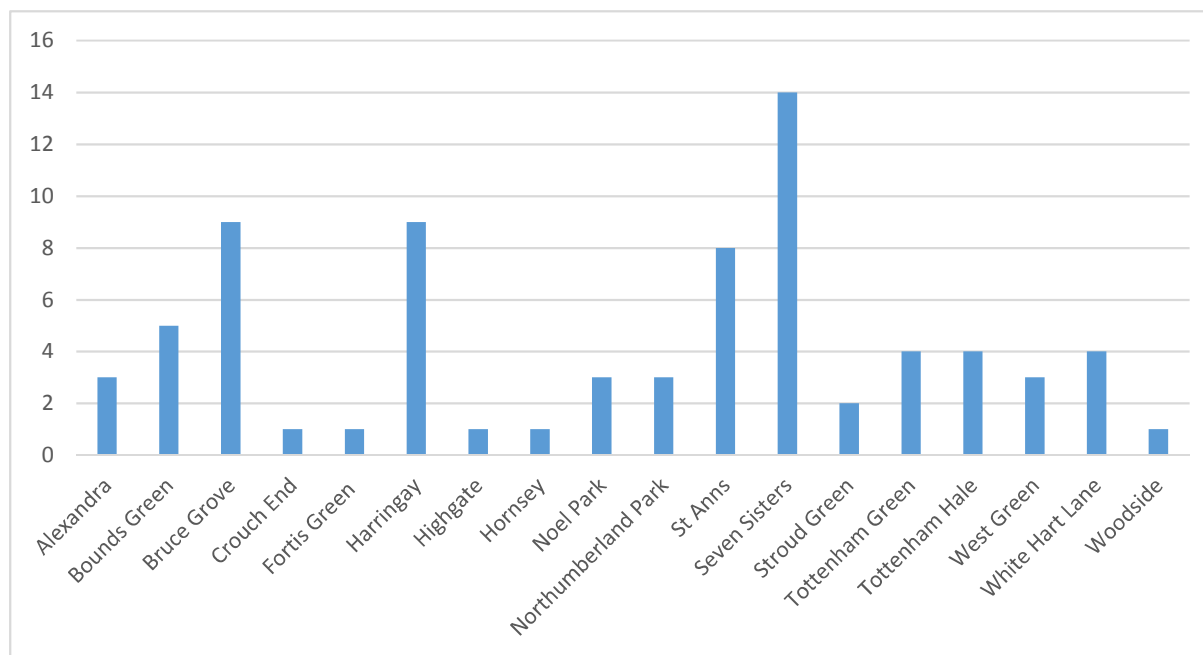
Enforcement cases closed by ward - by reason

	Alexandra	Bounds Green	Bruce Grove	Crouch End	Fortis Green	Harringay	Highgate	Hornsey	Muswell Hill	Noel Park	Northumberland Park	St Anns	Seven Sisters	Stroud Green	Tottenham Green	Tottenham Hale	West Green	White Hart Lane	Woodside
Appeal Allowed		1										1					1		
Development remediated	3	11	8	16	5	8	11	9	9	13	8	2	4	7	11	7	10	3	15
Immune after 10 years		1				1						1			3				
Immune after 4 years	4	4	4	1		7	2	1	2	3	3	8	14	4	6	4	5	1	8
No breach has occurred	17	19	20	9	9	6	30	8	18	17	19	21	11	10	16	15	12	8	10
Not A Planning Matter	9	1	1			3	3		1	1		3	4	2	3	1			
Not expedient to take action		3	3	14	1	9	7	7	5	5	9	9	9		16	9	2	3	9
Notice complied with		2	5	3	1	5		2	2	7	3	1	12	1	5	2	4	7	
Notice Complied With - Cautioned												1			1				1
Permitted Within Use Class Order						2				3	4		1		2	4	3	1	
Planning application approved	4	5	1	8	1	3	3	5	2	1	6	2	10	2	5	2		2	4
Planning/advertisement consent application invited				1				2											
Prosecuted and Notice complied with						1													1
Referred to other more appropriate Council Service		1	1	1			2				2	1			2	1	1	1	1
Use ceased						2						2	2		1	2		1	2
Within Permitted Development Rights	4		1	1	6		6	3	7	2		2	5		5				1



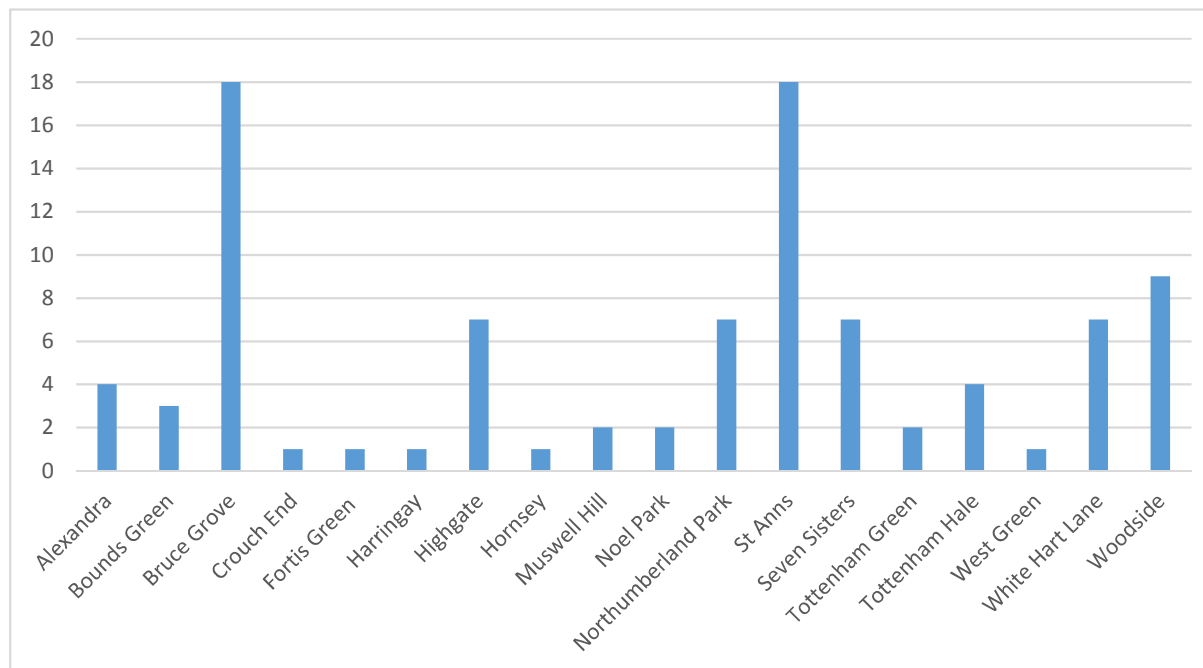
Alexandra	3
Bounds Green	5
Bruce Grove	9
Crouch End	1
Fortis Green	1
Harringay	9
Highgate	1
Hornsey	1
Noel Park	3
Northumberland Park	3
St Anns	8
Seven Sisters	14
Stroud Green	2
Tottenham Green	4
Tottenham Hale	4
West Green	3
White Hart Lane	4
Woodside	1
TOTAL	76

Enforcement Notices served by ward: 2017-2018



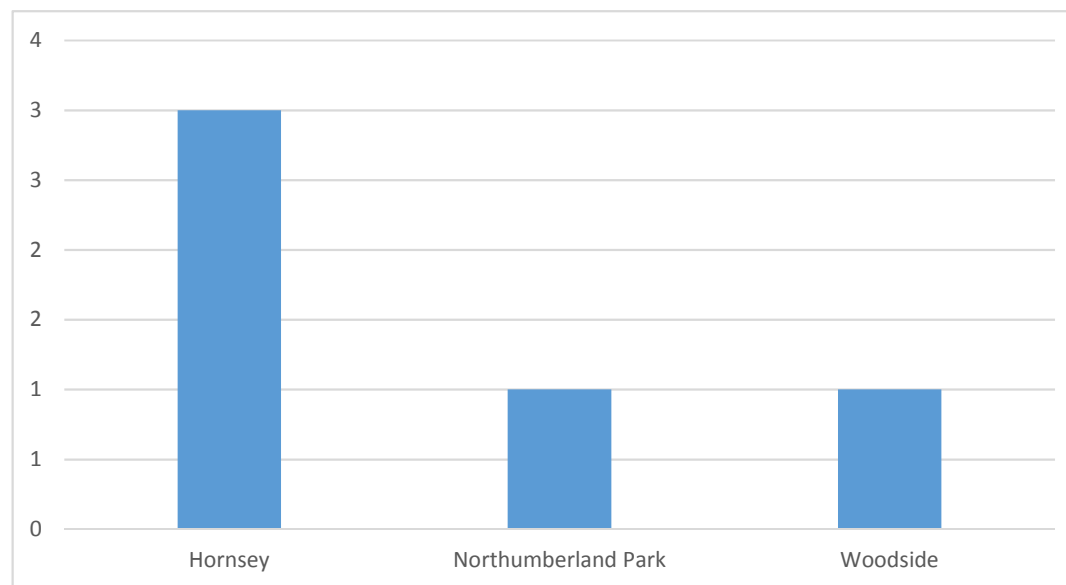
Alexandra	4
Bounds Green	3
Bruce Grove	18
Crouch End	1
Fortis Green	1
Harringay	1
Highgate	7
Hornsey	1
Muswell Hill	2
Noel Park	2
Northumberland Park	7
St Anns	18
Seven Sisters	7
Tottenham Green	2
Tottenham Hale	4
West Green	1
White Hart Lane	7
Woodside	9
TOTAL	95

Planning Contravention Notices served by ward: 2017-2018



Hornsey	3
Northumberland Park	1
Woodside	1
TOTAL	5

Temporary Stop Notices served by ward: 2017-2018

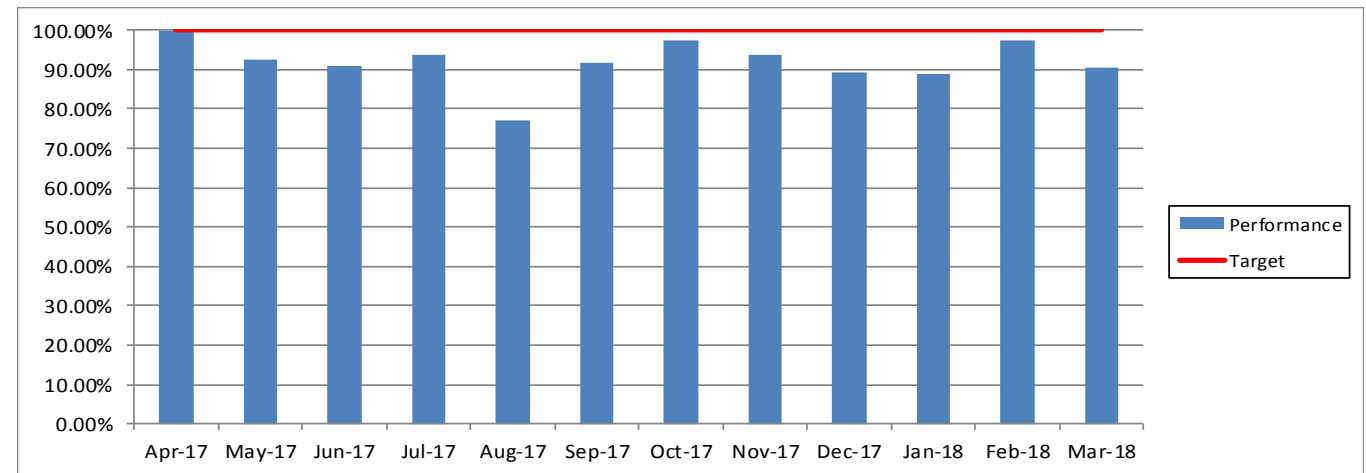


Percentage of complainants notified on Planning Enforcement Complaints on which a decision is taken within 8 weeks

Note: These figures only take account of Planning Enforcement complaints received after 31.09.2014

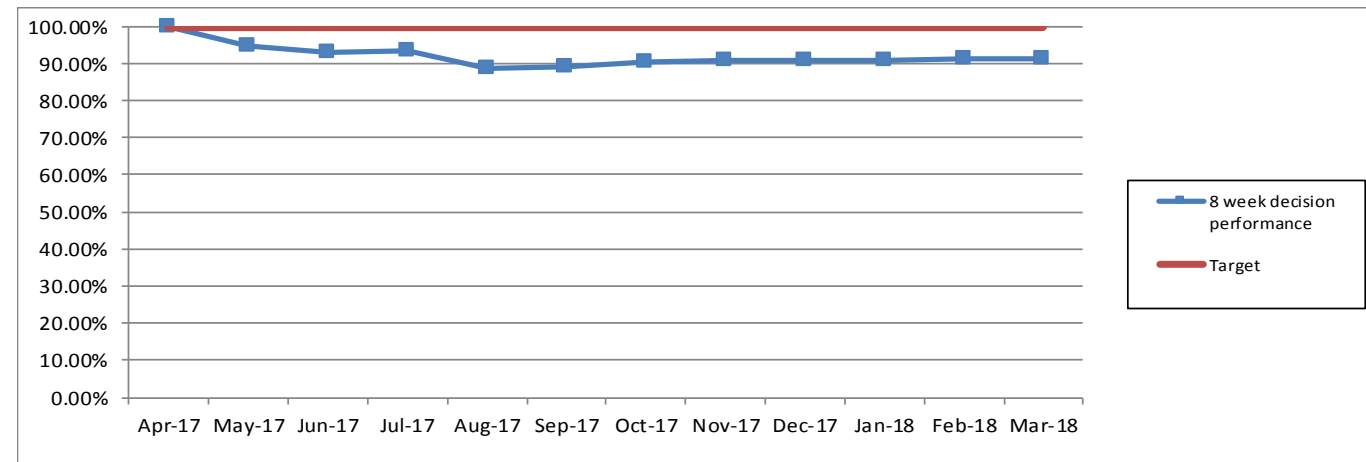
Individual month performance for 2017/2018

Month	complaints received	decision taken within 8 weeks	Target %	Total decisions	%
Apr-17	51	24	100.00%	24	100.00%
May-17	77	63	100.00%	68	92.65%
Jun-17	88	72	100.00%	79	91.14%
Jul-17	80	62	100.00%	66	93.94%
Aug-17	42	71	100.00%	92	77.17%
Sep-17	78	44	100.00%	48	91.67%
Oct-17	85	72	100.00%	74	97.30%
Nov-17	62	62	100.00%	66	93.94%
Dec-17	62	34	100.00%	38	89.47%
Jan-18	53	56	100.00%	63	88.89%
Feb-18	62	41	100.00%	42	97.62%
Mar-18	72	48	100.00%	53	90.57%



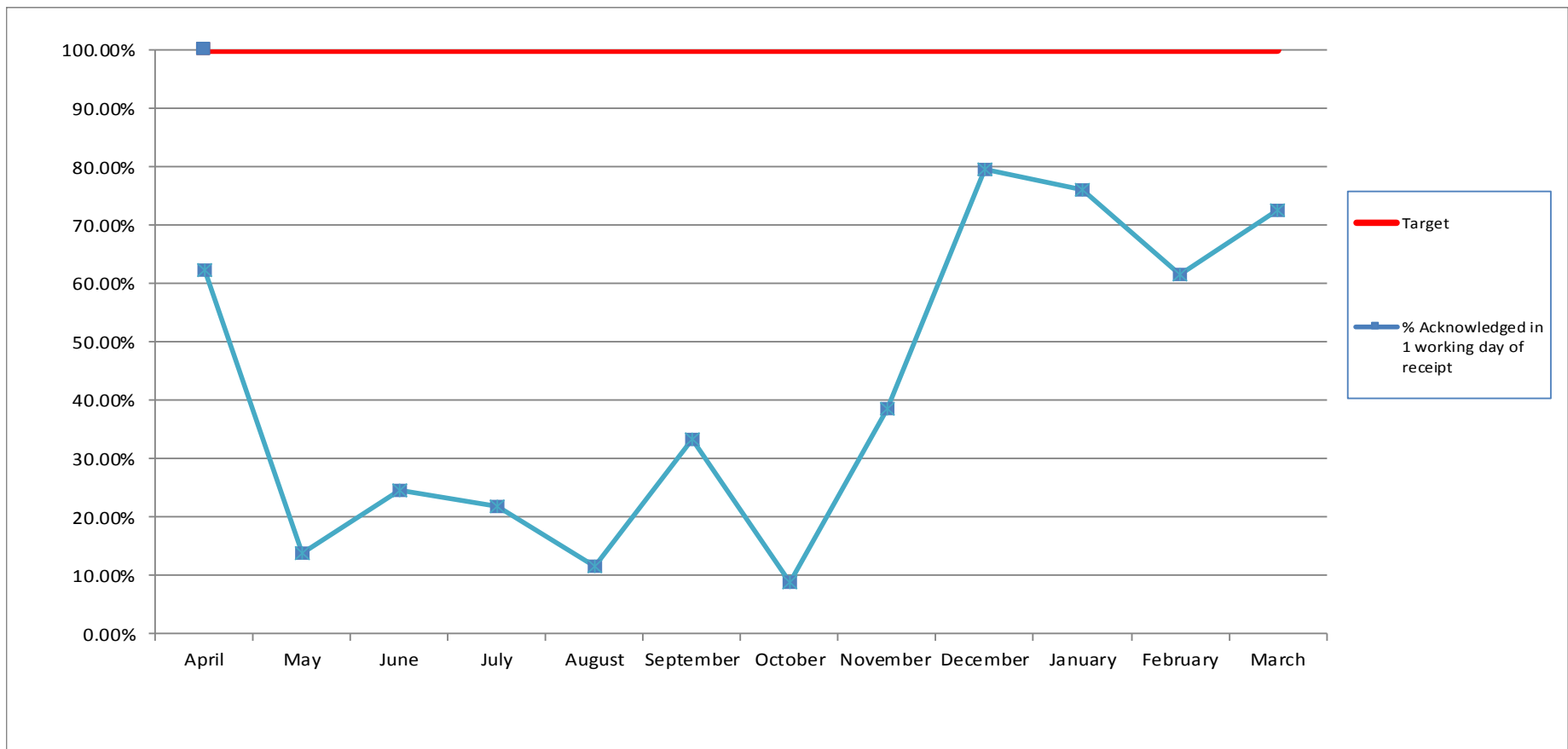
Cumulative performance for 2017/2018

Month	complaints received	decision taken within 8 weeks	Target %	Total decisions	%
Apr-17	51	24	100.00%	24	100.00%
May-17	128	87	100.00%	92	94.57%
Jun-17	216	159	100.00%	171	92.98%
Jul-17	296	221	100.00%	237	93.25%
Aug-17	338	292	100.00%	329	88.75%
Sep-17	416	336	100.00%	377	89.12%
Oct-17	501	408	100.00%	451	90.47%
Nov-17	563	470	100.00%	517	90.91%
Dec-17	625	504	100.00%	555	90.81%
Jan-18	678	560	100.00%	618	90.61%
Feb-18	740	601	100.00%	660	91.06%
Mar-18	812	649	100.00%	713	91.02%



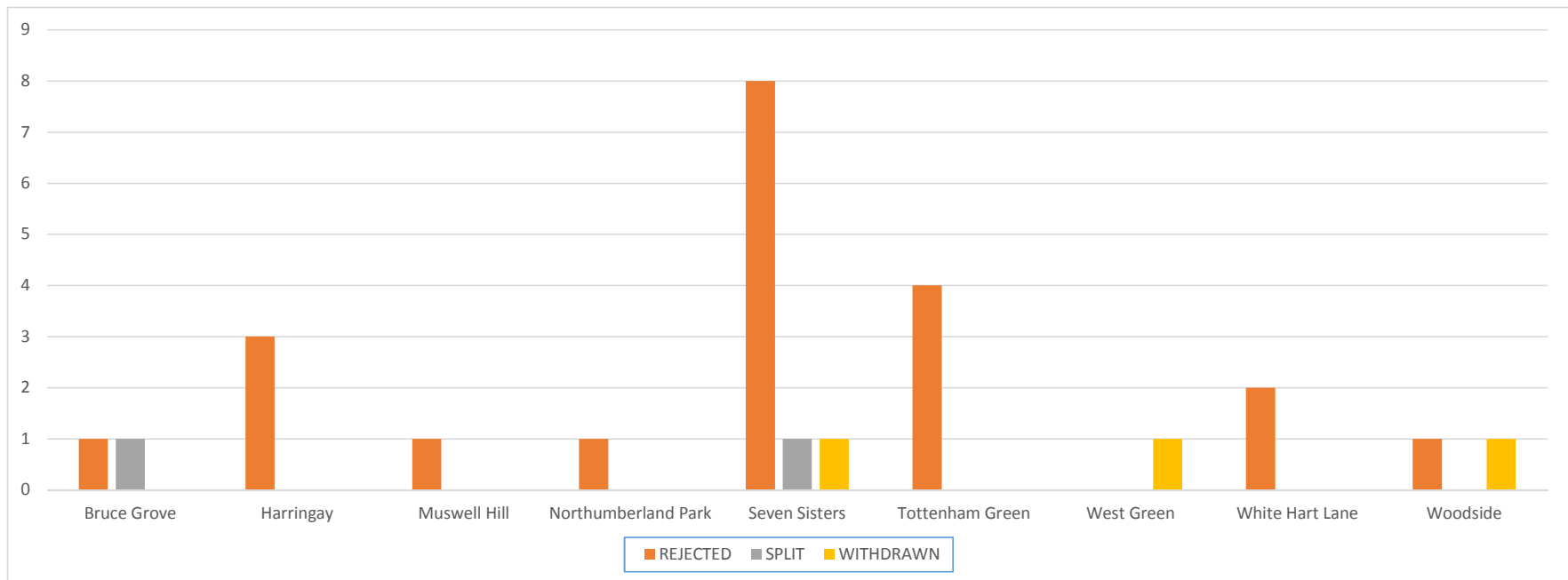
Number / percentage of acknowledged planning enforcement complaints in 1 working day
 Individual month performance (12 month rolling)

	Total Acknowledged	Acknowledged in 1 working day	% Acknowledged in 1 working day	Target
April	45	28	62.22%	100.00%
May	58	8	13.79%	100.00%
June	77	19	24.68%	100.00%
July	69	15	21.74%	100.00%
August	43	5	11.63%	100.00%
September	54	18	33.33%	100.00%
October	56	5	8.93%	100.00%
November	52	20	38.46%	100.00%
December	39	31	79.49%	100.00%
January	46	35	76.09%	100.00%
February	60	37	61.67%	100.00%
March	51	37	72.55%	100.00%
Total	650	258	39.69%	100.00%



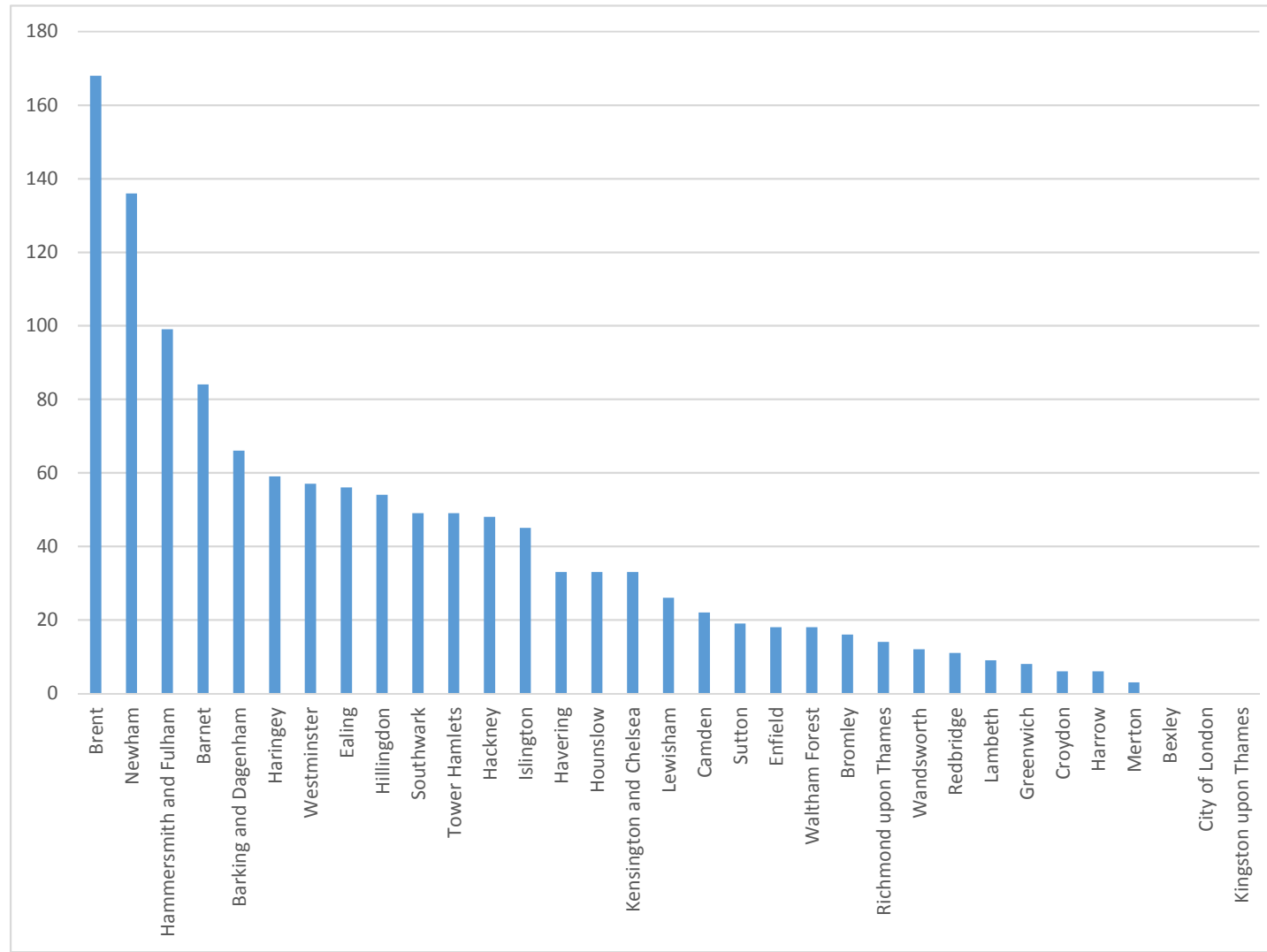
Enforcement appeals decided by ward - by decision: 2017-2018

	Bruce Grove	Harringay	Muswell Hill	Northumberland Park	Seven Sisters	Tottenham Green	West Green	White Hart Lane	Woodside
REJECTED	1	3	1	1	8	4		2	1
SPLIT	1				1				
WITHDRAWN					1		1		1



DCLG London Borough Comparison: April 2017 - December 2017
Note: DCLG statistics have a 6 month lag; therefore December 2017 are the latest currently available
Enforcement Notices Served
Haringey ranked 6 out of 33

1	Brent	168
2	Newham	136
3	Hammersmith and Fulham	99
4	Barnet	84
5	Barking and Dagenham	66
6	Haringey	59
7	Westminster	57
8	Ealing	56
9	Hillingdon	54
10	Southwark	49
11	Tower Hamlets	49
12	Hackney	48
13	Islington	45
14	Havering	33
15	Hounslow	33
16	Kensington and Chelsea	33
17	Lewisham	26
18	Camden	22
19	Sutton	19
20	Enfield	18
21	Waltham Forest	18
22	Bromley	16
23	Richmond upon Thames	14
24	Wandsworth	12
25	Redbridge	11
26	Lambeth	9
27	Greenwich	8
28	Croydon	6
29	Harrow	6
30	Merton	3
31	Bexley	0
32	City of London	0
33	Kingston upon Thames	0



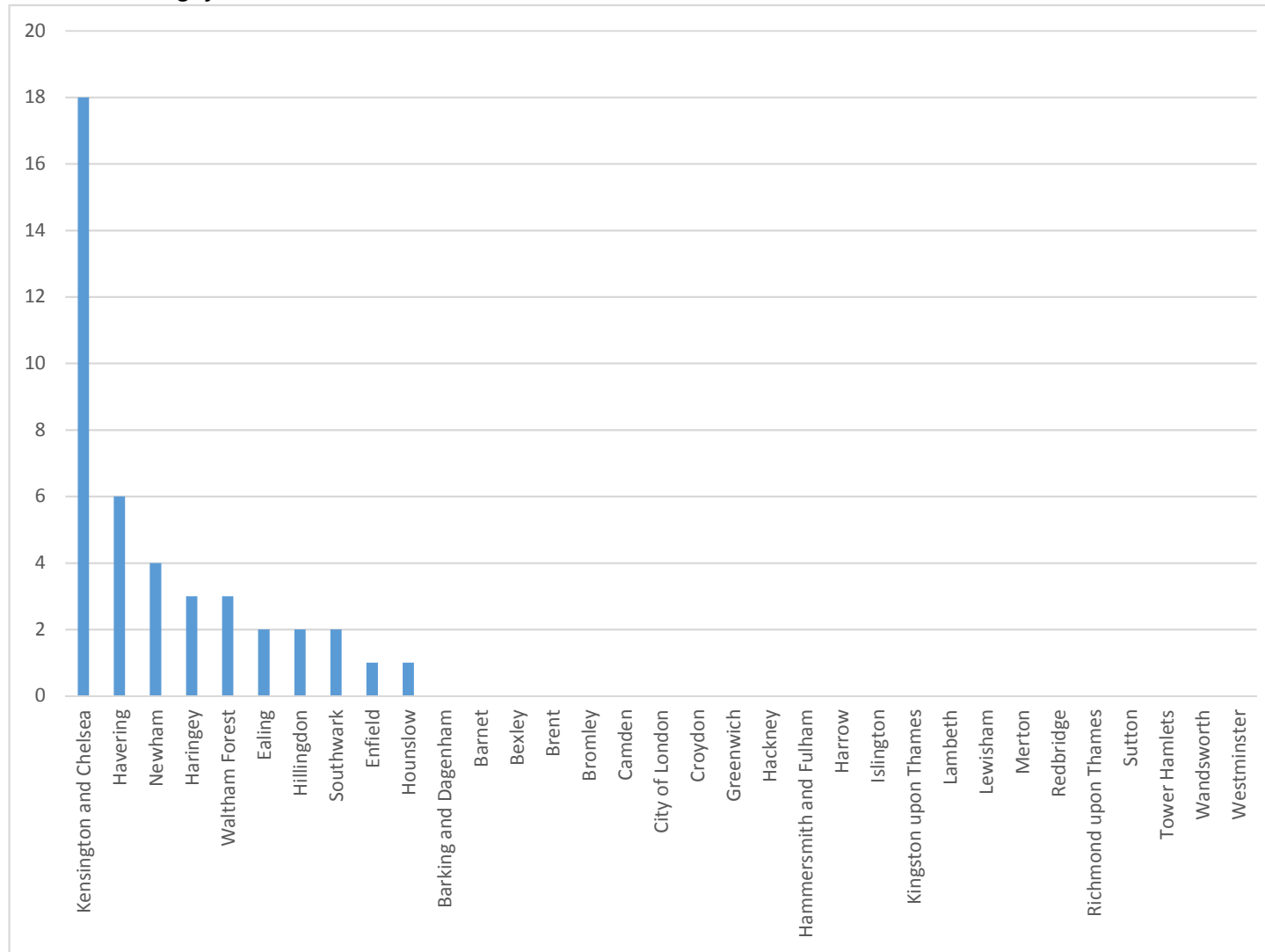
DCLG London Borough Comparison: April 2017 - December 2017

Note: DCLG statistics have a 6 month lag; therefore December 2017 are the latest currently available

Temporary Stop Notices Served

Haringey ranked 4 out of 33

1	Kensington and Chelsea	18
2	Havering	6
3	Newham	4
4	Haringey	3
5	Waltham Forest	3
6	Ealing	2
7	Hillingdon	2
8	Southwark	2
9	Enfield	1
10	Hounslow	1
11	Barking and Dagenham	0
12	Barnet	0
13	Bexley	0
14	Brent	0
15	Bromley	0
16	Camden	0
17	City of London	0
18	Croydon	0
19	Greenwich	0
20	Hackney	0
21	Hammersmith and Fulham	0
22	Harrow	0
23	Islington	0
24	Kingston upon Thames	0
25	Lambeth	0
26	Lewisham	0
27	Merton	0
28	Redbridge	0
29	Richmond upon Thames	0
30	Sutton	0
31	Tower Hamlets	0
32	Wandsworth	0
33	Westminster	0



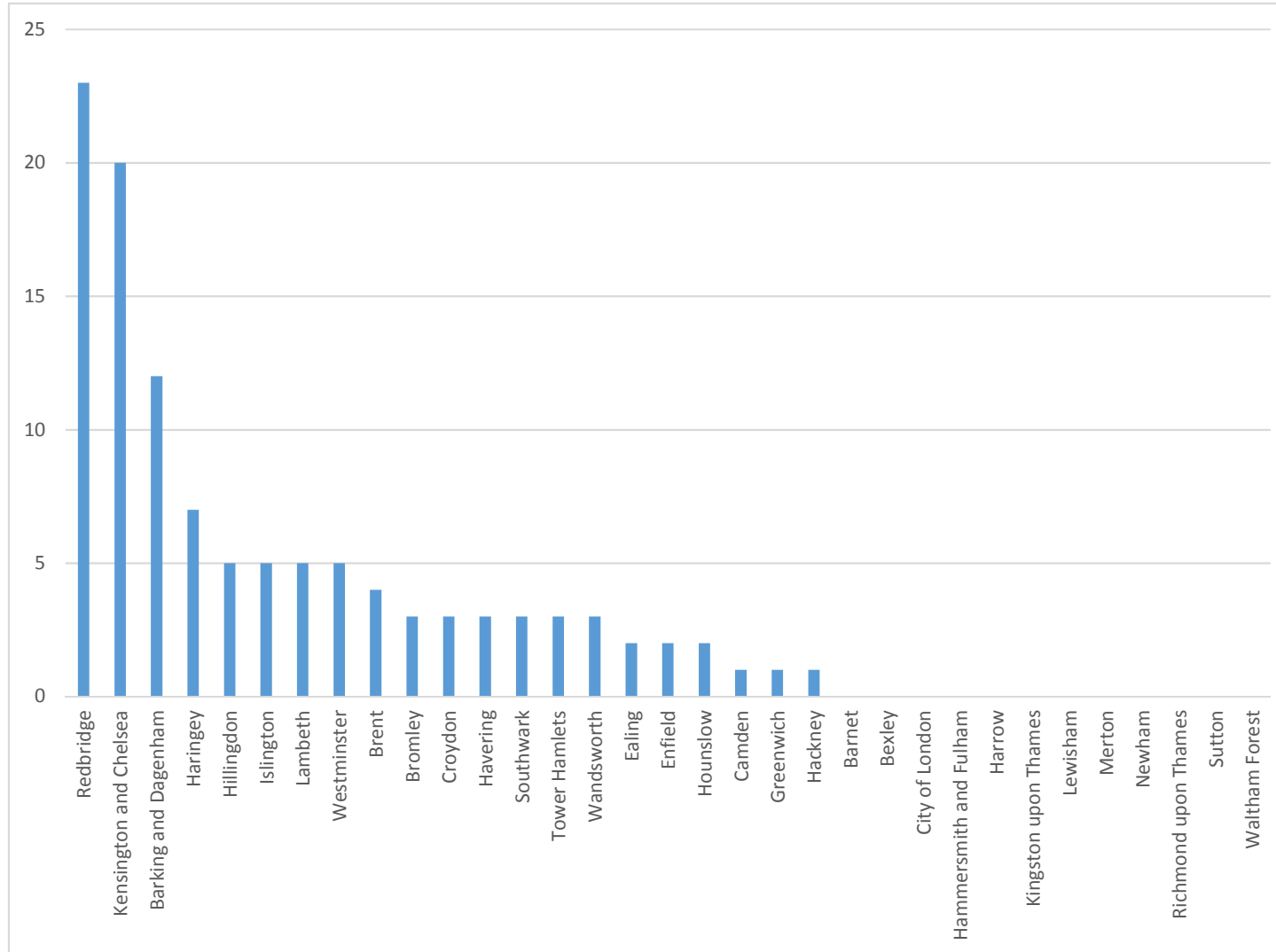
DCLG London Borough Comparison: April 2017 - December 2017

Note: DCLG statistics have a 6 month lag; therefore December 2017 are the latest currently available

Breach of Conditions Notices Served

Haringey ranked 4 out of 33

1	Redbridge	23
2	Kensington and Chelsea	20
3	Barking and Dagenham	12
4	Haringey	7
5	Hillingdon	5
6	Islington	5
7	Lambeth	5
8	Westminster	5
9	Brent	4
10	Bromley	3
11	Croydon	3
12	Havering	3
13	Southwark	3
14	Tower Hamlets	3
15	Wandsworth	3
16	Ealing	2
17	Enfield	2
18	Hounslow	2
19	Camden	1
20	Greenwich	1
21	Hackney	1
22	Barnet	0
23	Bexley	0
24	City of London	0
25	Hammersmith and Fulham	0
26	Harrow	0
27	Kingston upon Thames	0
28	Lewisham	0
29	Merton	0
30	Newham	0
31	Richmond upon Thames	0
32	Sutton	0
33	Waltham Forest	0



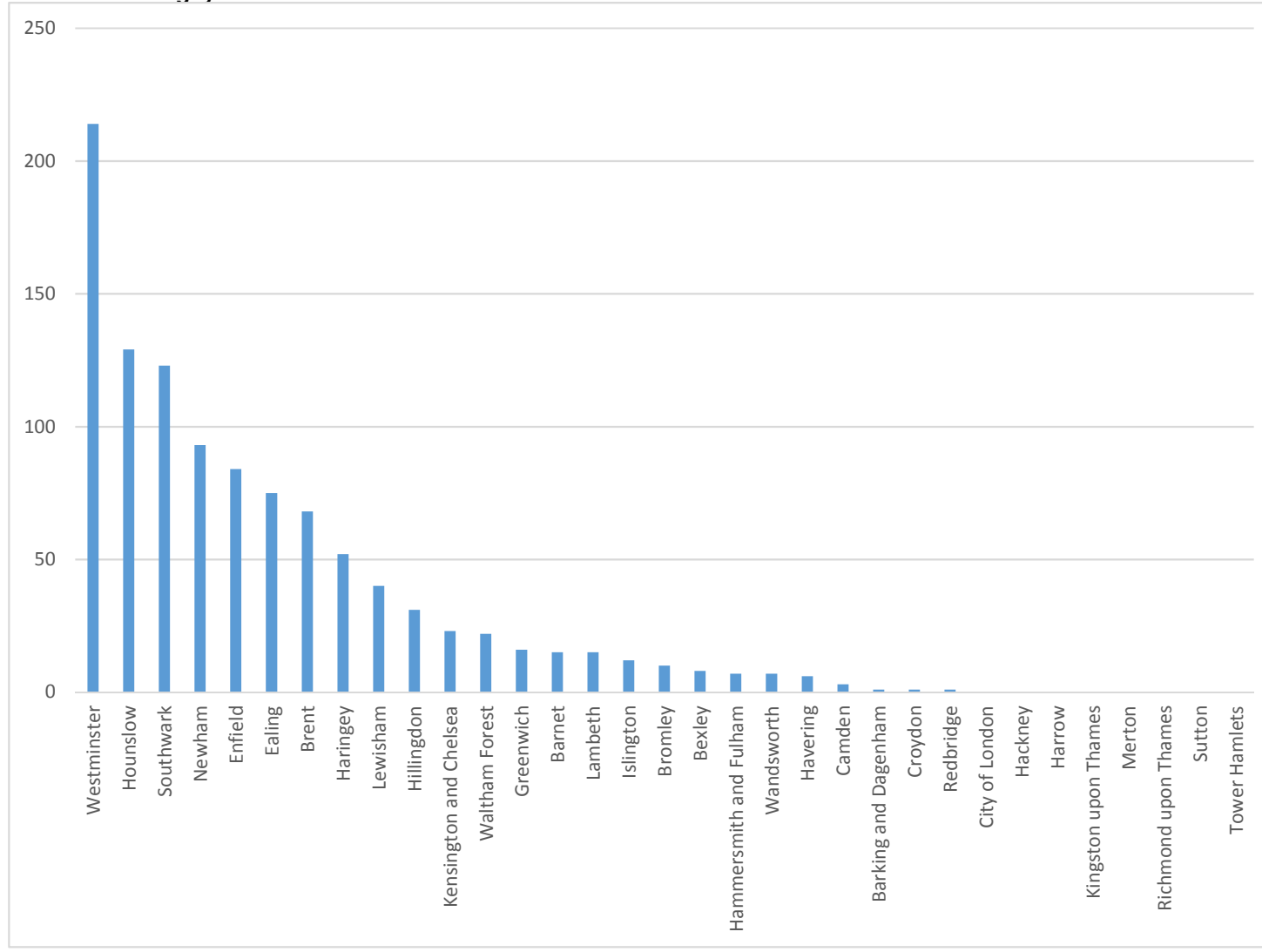
DCLG London Borough Comparison: April 2017 - December 2017

Note: DCLG statistics have a 6 month lag; therefore December 2017 are the latest currently available

Planning Contravention Notices Served

Haringey ranked 8 out of 33

1	Westminster	214
2	Hounslow	129
3	Southwark	123
4	Newham	93
5	Enfield	84
6	Ealing	75
7	Brent	68
8	Haringey	52
9	Lewisham	40
10	Hillingdon	31
11	Kensington and Chelsea	23
12	Waltham Forest	22
13	Greenwich	16
14	Barnet	15
15	Lambeth	15
16	Islington	12
17	Bromley	10
18	Bexley	8
19	Hammersmith and Fulham	7
20	Wandsworth	7
21	Havering	6
22	Camden	3
23	Barking and Dagenham	1
24	Croydon	1
25	Redbridge	1
26	City of London	0
27	Hackney	0
28	Harrow	0
29	Kingston upon Thames	0
30	Merton	0
31	Richmond upon Thames	0
32	Sutton	0
33	Tower Hamlets	0



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LOCAL PLANNING ENFORCEMENT PLAN



CONTENTS

1. What is planning enforcement?
2. What is, or is not a breach of planning control?
3. The councils approach to planning enforcement
4. How can an enforcement issue be reported?
5. How will the council deal with your complaint?
6. What are the possible outcomes of an investigation?
7. What are the common forms of enforcement action?
8. What if a complaint is made against me?
9. What if I am dissatisfied with the way the case was managed
10. Review and monitoring of this plan

1. WHAT IS PLANNING ENFORCEMENT?

- 1.1 Planning legislation empowers the council to control and manage development and use of land and buildings in the public interest. These powers are set out in the Town and Country Planning Act 1990 (as amended), which defines what can be considered as ‘development’ and sets out the processes for enforcing against unauthorised development. The Act defines a breach of planning control as:

“the carrying out of a development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted.”

- 1.2 The Act is supported by the National Planning Policy Framework, adopted by Government in 2012, which provides guidance to Local Authorities in terms of how they should manage breaches of planning control and when enforcement action should be taken. Paragraph 207 of the Framework states the following:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”

- 1.3 The Council has the responsibility for taking whatever enforcement action is necessary within its area as the Local Planning Authority. The Council has powers to investigate and take action to remedy breaches within the Town and Country Planning Act 1990 (as amended), the Planning (Listed Building and Conservation Areas) Act 1990, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the Localism Act 2011 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. WHAT IS, OR IS NOT A BREACH OF PLANNING CONTROL?

2.1 A breach of planning control could involve such matters as the unauthorised erection of a building or extension to a building, a 'material' change of use of land, or the display of unauthorised advertisements. Residents often report issues to the council which, although they relate to buildings or land, are not always covered under planning enforcement powers. Below is a guide to the complaints which can, and cannot, be investigated by planning enforcement:

Planning enforcement issues

- Works to listed buildings;
- Demolition of buildings in a Conservation Area;
- Works to trees subject of a Tree Preservation Order (TPO) or in a conservation area;
- Building without consent (i.e. extensions, outbuildings, fences, walls);
- Change of use of buildings and/or land;
- Advertisements and signage;
- Non-compliance with conditions attached to planning permissions;
- Not building in accordance with the approved plans of planning permissions;
- Untidy land where it affects the amenity of the area;
- Engineering operations, such as raising of ground levels or earth bunds;
- Deliberate concealment of unauthorised building works or changes of use

Non-planning enforcement issues

- Internal works to a non-listed building;
- Parking of commercial vehicles on the highway or on grass verges;
- Running a business from home, where the residential use remains the primary use;
- Land ownership disputes or trespass issues;
- Infringements of covenants in property deeds;
- Any works that are deemed to be 'permitted development' under the relevant Government regulations (for example, extensions within specified size limits);
- Temporary structures/fencing associated with building works;
- Parking caravans on residential driveways or within the curtilage of domestic properties as long as they are incidental to the enjoyment of the property;
- Advertisements which do not require advertising consent under the Town and Country Planning (Control of Advertisements, England) Regulations 2007;
- Dangerous structures or other health and safety issues;
- Devaluing of property;
- Unsociable working hours or practices on building sites (e.g. noise or dust from building work);
- Issues relating to party walls

- Issues relating to damage or property or (potential) injury to persons

3. THE COUNCIL'S APPROACH TO PLANNING ENFORCEMENT

- 3.1 The council's planning enforcement function is a vital part of the development management process and ensures that where development is undertaken without planning permission, action is taken to minimise or remove any harm which is being caused.
- 3.2 The council is committed to ensuring that all valid and registered enquiries relating to an alleged breach of planning control are duly investigated and the appropriate action taken. These actions range from taking no action if there is no breach which can be dealt with under planning powers, through to formal enforcement action and prosecution proceedings if necessary.
- 3.3 Every year the council receives a large number of enquiries relating to alleged breaches of planning control. The council appreciates that local people play a vital role in reporting suspected planning breaches which require further investigation, in order to help protect residents and businesses within the community from the sometimes harmful effects of unauthorised development.
- 3.4 Haringey is a diverse and vibrant London Borough and we will not seek to apply a 'one size fits all' approach to planning enforcement. However, the benefits of a clear and well understood policy framework are important. Haringey's planning department can play its role in helping to achieve a healthy and balanced community, supported by an effective planning enforcement service. Therefore as part of its commitment to the delivery of an efficient and effective planning enforcement service, Haringey Council has prepared this enforcement policy.
- 3.5 This Enforcement Plan sets out how the council can and will respond to any breaches of planning control. We will follow Government advice which encourages councils to try to resolve issues by negotiation as this is very often the quickest and most effective way to resolve problems. It is also the best way to use resources - taking formal action, assuming it succeeds, can be a lengthy process and consumes a lot of staff time. However, where negotiation fails, or individuals deliberately or persistently ignore the rules and carry out development that seriously impacts on the wider community, then there should be no doubt that the council will take formal action. In some instances, the Council will take enforcement action without any negotiation depending on the nature of the breach and or parties involved.
- 3.6 The policy sets out how the service will prioritise and respond to planning breaches, and contains information for all those involved in, or affected by the enforcement process. The policy will be referred to by officers and members involved in the decision-making process, and will allow resources to be more

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clearly focused on the vision, objectives and policies of the Development Plan.

4. How can an enforcement issue be reported?

4.1 Once you have checked to make sure there is a planning breach, in order for the planning enforcement team to investigate your complaint you must formally submit a complaint. This is necessary in order for us to obtain a full picture of the situation and avoid allocating resources to enquiries which cannot be taken further. You may make a complaint:

- Verbally by calling the Council's Customer Services Team
- Online via the Planning Enforcement online complaints submission page
- Or in writing
- Through your local ward councillor

4.2 All complainants are required to provide their full name and either a phone number, postal address or email address (or preferably a combination of more than one contact detail). Anonymous complaints will not be investigated. This is to ensure that public resources are not spent unnecessarily investigating hoax or malicious complaints. It is also important that, should legal action become necessary in relation to a complaint, the council can state in court that the matter was reported by a local resident. All details provided by a complainant will always remain totally confidential, unless the information is required for use as evidence in court. If this does happen, the council will make all reasonable efforts to inform you before disclosing any information. We may also need to contact you prior to any site inspection being carried out to look into your complaint, for the team to seek further information or clarification from you regarding the details of the alleged breach. It may be the case that the development in question does not require planning permission and therefore cannot be enforced against. You are strongly advised, prior to submitting any enquiry, to check whether the particular development or activity which is causing you concern is exempt from planning permission.

4.3 To help us deal with your case as soon as possible it is important to provide as much information as you can. Below is a list of the type of information that would assist us in dealing with your complaint:

- An accurate description of the location or address for the particular site;
- A detailed description of the activities taking place and why they are cause for concern;
- Names, addresses and phone numbers of those persons responsible for the alleged breach or the land owners;
- The date and times of when the alleged breach took place;

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- Any other information or evidence (including photos) that may be able to assist;
- Your name and contact details as set out above.

5. How will the Council deal with your complaint?

- 5.1 The council understands that all issues raised with the planning enforcement team are very important to the person who has reported them, and that planning matters can cause major concern and often distress. As the council receives a large number of planning enforcement enquiries every year and has limited resources for investigating them the planning enforcement team has a system of prioritising complaints to make sure that the most serious or potentially dangerous issues are investigated most urgently.
- 5.2 Upon receiving a valid complaint, the planning enforcement team will log the details and begin investigating as quickly as possible. Once the complaint has been confirmed as valid and has been logged, an acknowledgment letter will be sent out immediately. All registered complainants' details are kept confidential. The council will not disclose complainants' personal or contact details or any other information that could help identify the person who registered the enquiry, and will do everything possible to protect the anonymity of anyone who submits an enquiry. This information will be held in full accordance with the provisions of the Data Protection Act 1998 and in accordance with the Freedom of Information Act 2000.
- 5.3 Once a case has been assigned to a planning enforcement officer they will carry out an initial desk top assessment in order to establish the facts of the enquiry and to determine whether or not a site inspection will be necessary.
- 5.4 Please note that the council does not automatically visit every site which is the subject of an enforcement enquiry. A visit will be made only if it is necessary to further investigate the matter and establish the facts.

The council's commitment to you

- 5.5 If you have made a complaint or reported something to us we will:
- **INVESTIGATE ALL ALLEGED BREACHES OF PLANNING CONTROL** by looking at the site and planning history, and carrying out a site inspection if necessary. If there are planning enforcement issues, we will try to settle any disputes by coming to an agreement and without taking formal action, unless the matter is causing significant harm, or the parties involved (agents/owners/tenants etc. have had previous involvement with the Council on other breaches of planning control). If we need to take formal enforcement action, this may eventually result in the person concerned being prosecuted;

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- **KEEP YOUR PERSONAL DETAILS CONFIDENTIAL** at all times, unless required to disclose as part of court proceedings;
- **QUICKLY REGISTER AND ACKNOWLEDGE YOUR CASE**, usually within three days of receipt, but according to its priority level, and provide you with a reference number with a named officer as the point of contact;
- **GIVE EACH CASE A 'PRIORITY RATING'** (see approach set out below) and visit the site, where necessary, within the timescales set;
- **ACTIVELY PURSUE YOUR CASE AND KEEP YOU INFORMED** of progress until the case is closed when we will let you know the outcome;
- **SEEK TO MAKE TIMELY DECISIONS** - 100% of all cases within 8 weeks;
- **PROVIDE AN OUTSIDE OF OFFICE HOURS SERVICE** in some circumstances

5.6 Investigations into alleged breaches of planning control can be complex and may take some time but we will aim to achieve the targets set out above. On receipt we will categorise breaches by priority – the priority may change once we have been able to visit the site and fully assess the situation. The categories are as follows:

Priority system for planning enforcement investigations

Cases are dealt with according to the following timescales.

- **Priority 1:** Other serious complaints, including demolition in conservation areas, works to TPOd trees, works to listed buildings. We will visit within three working days.
- **Priority 2:** All other complaints, such as extensions to buildings and unauthorised changes in the use of a building. We will visit within 10 working days.
- **Priority 3:** Minor complaints where planning rules may not have been kept to, such as minor alterations to the outside of a building, or other minor developments such as satellite dishes, advertisements, walls, gates and fences. We will visit within 15 working days.

5.7 The council is not obliged by law to take enforcement action in respect of any breach of planning control. The Town and Country Planning Act 1990 requires that enforcement action is taken only when it is expedient to do so. This has regard to the provisions of the development plan and any other material considerations. The decision on how to proceed on each case is within the Council's sole discretion. However, that discretion is not unregulated. Account will be taken of other material considerations such as planning appeal decisions, ministerial statements and legal precedents.

5.8 Our planning enforcement priorities, so far as possible, reflect the diversity of the area and enable us to focus on specific planning issues effecting local

communities. In developing and improving the service we will continue to consult with stakeholders, our partners and with the users of the service.

6. What are the possible outcomes of an investigation?

6.1 There are various possible outcomes of an investigation:

- **NO BREACH EXISTS** – Following a site inspection or desktop study it may be found that there is no breach of planning control because, for example, the unauthorised use has ceased, or the development is permitted or lawful development;
- **THERE IS A BREACH OF PLANNING CONTROL BUT NOT ‘EXPEDIENT’ TO PURSUE** – Just because a breach may exist does not automatically mean that formal action will be taken. Central Government Guidance in the National Planning Policy Framework (NPPF) clearly sets out that enforcement powers are discretionary. In turn, minor technical breaches that have only a small impact may not warrant the time and expense in taking action;
- **NEGOTIATIONS TAKE PLACE TO FIND A SOLUTION** – Planning legislation requires the council, where possible, to negotiate resolutions to planning breaches, thus avoiding formal action. If the investigation does reveal a planning breach, the council will seek, where possible, to negotiate with the responsible parties and agree an informal solution. The council will not allow negotiations to become protracted. The Council will ordinarily not engage in negotiations with parties who have previous form when it comes to breaches of planning control.
- **BREACH ESTABLISHED BUT NOW IMMUNE FROM ENFORCEMENT ACTION** - The investigation reveals that a planning breach has occurred, but that it has been occurring continuously for so long that it has now become immune from enforcement action. In cases relating to residential development or structures this period is four years, anything else being ten years.
- **A RETROSPECTIVE APPLICATION IS APPROVED** - A retrospective planning application will be invited where there is a reasonable likelihood that planning permission may be granted or where a development may be made acceptable by way of imposing suitable conditions to control how it takes place. The development will be subject to the planning application process and assessed against planning policies, taking into consideration the views of local residents (the contents of the enforcement investigation file will not be carried over to that of the planning application).
- **‘UNDER-ENFORCEMENT’ UNDERTAKEN** - In instances where the unauthorised development has occurred is unacceptable, but could be made acceptable by an alteration or a change in operation, the council is required by planning legislation to seek to ‘under-enforce’. This means that the council may not require an unauthorised development to be reversed entirely, but may require it to be altered in a way which makes it acceptable.

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- **FORMAL ACTION IS TAKEN** - On average around 10% of cases we receive result in formal action being taken. There are a range of formal powers the council can use to remedy breaches of planning control. The more common forms of enforcement action are listed in section 7.

7. What are the common forms of enforcement action?

- 7.1 The decisive issue when considering taking enforcement action further is based on amenity and the public interest. Planning enforcement action should be sensitive to the intent and context of the owner and the development. A householder making a genuine mistake out of ignorance, and cooperating to remedy the mistake, will be treated proportionately, compared to a clear and flagrant breach of a planning decision or a serious case of harm. Where serious harm is being caused, enforcement action will be swift and proportionate to remedy the effects of the breach of planning control.
- 7.2 Prosecution for not complying with the notice does not, paradoxically, compel compliance, but rather punishes non-compliance. Where there has been financial gain as a result of a criminal act of not complying with an extant notice, the Council will consider taking further action under the terms of the Proceeds of Crime Act 2002 (POCA). It is usually the case that where there is a financial benefit from not complying with the notice, there is no incentive to do so. Additionally, this results in several instances of the breaches resuming after the initial compliance. To this end the Council will aggressively pursue POCA proceedings to achieve several but connected aims, being: to deter the breaches occurring in the first instance, to encourage compliance and to deter re-offending.

Enforcement action	Purpose
Planning Contravention Notice	Requires persons to divulge information in respect of land and activities. Often under-taken to determine if there is a breach of control and to help decide the appropriate course of action
Breach of Condition Notice	Secures compliance with conditions specified within a planning permission.
Enforcement Notice	Requires particular steps to be taken to remedy the situation – there is a right of appeal.
Stop Notice / Temporary Stop Notice	Requires the unauthorised activities to cease either immediately or for a period of up to 28 days.
POCA Confiscation	To confiscate any monetary benefits derived from not complying with an enforcement notice.
Section 215 Notice	To secure the proper maintenance of land and buildings and protect public amenity.

Direct Action	The council may enter land to take the necessary steps to secure compliance with an Enforcement Notice. This is at the council's cost although these are recoverable from the landowner
Injunctions	To prevent unauthorised development and only used in a very limited number of specific circumstances.
Prosecution	Failure to comply with a notice is a criminal offence. Prosecution is used secure compliance with any formal enforcement notice and / or to bring the offence before the court.

8. What if a complaint is made against me?

8.1 The council recognises the anxiety that is caused by finding out that someone has complained about alleged development or activity on your property. It is therefore important to us to make sure that people or companies who are the subject of the planning enforcement complaints are treated fairly and given the opportunity as part of the investigation to explain the situation from their perspective. If you have received a visit or a letter from an enforcement officer explaining that a complaint has been made against you:

8.2 **DO** make contact with the council at the earliest opportunity to discuss the complaint, whether this is by responding to a letter or holding a meeting with the enforcement officer at the site. In many cases a short meeting with the enforcement officer, or even a telephone conversation, can be sufficient to clear up whether or not a planning breach has occurred and whether or not enforcement action will be required. If you make contact with the planning enforcement team early on, they will be able to:

- Confirm whether or not a planning breach has occurred and whether or not further action will be necessary on your part in order to resolve the matter;
- Advise you on the next steps in the investigation, whether that be:
- Inviting you to submit a retrospective planning application seeking permission for the development/activity which has taken place;
- Negotiating a solution with you to address the problem in a way that is fair both to you and to the complainant. This could mean reducing the scale of development or activity, altering or reconfiguring it, or relocating it;
- Requesting that you reverse the unauthorised development or cease the unauthorised activity within a reasonable timeframe. Planning enforcement officers will always seek, where possible, to agree a negotiated solution to an issue rather than pursue formal action. It is therefore in your interests, should a complaint be made against you, to co-operate with the enforcement team

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and to make sure that the investigating officer is aware of your perspective and has the fullest possible information available to them.

8.3 **DON'T** ignore the issue. When the council receives a complaint from a member of the public it is obliged to carry out all necessary investigations in order to fully understand if a breach has occurred. The law provides the council with a series of tools in order to make sure this happens. This means that the matter will not 'go away' if you ignore the correspondence you have received regarding the complaint which has been made against you. If you do not engage with the council from the outset to address the matter, one of the following will be likely to happen:

- A Planning Contravention Notice will be issued requiring you to answer a series of questions regarding the complaint. Failure to respond to such a notice and provide the requested information is an offence which you will be prosecuted for if necessary;
- The council will use its powers of entry to access the site of the alleged planning issue and investigate further. Obstructing an officer who needs to gain access to investigate a complaint is also an offence;
- You will be called to an interview under conditions set out in the Police and Criminal Evidence Act. The interview will be carried out under caution, meaning that your responses will be recorded and potentially used against you as evidence in court if prosecution proceedings are necessary;
- If the council has reason to believe that development or activity is taking place which requires planning permission, it has the right to serve various types of notices upon you without further notice. Again, failure to comply with a notice is an offence. Any person prosecuted for failing to comply with a Planning Enforcement Notice faces an unlimited fine upon conviction, and is also liable for the full costs incurred by the council in bringing the matter to court. It is therefore in your interests, should a complaint be made about you, to engage with the council early on in order to avoid this.

8.2 At each stage, we will make every effort to keep you informed, either by phone or in writing.

8.3 Please note that the information submitted to the Council forming part of a complaint is considered to be personal data, which is therefore exempt from the provisions of the Freedom of Information Act 2000 (as amended) and will not be disclosed by the Council. The only details which will be revealed are the nature of the complaint made, i.e. wall built without planning permission.

9. What if I am dissatisfied with the way the case was managed

9.1 If, having received the council's final response to your enforcement enquiry, you are dissatisfied with the way the investigation has been managed (rather than being unhappy with the outcome if it has been decided that no action

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can be taken), you should, in the first instance, raise these concerns with the relevant manager within the planning service. If, having done that, you are still dissatisfied with the team's handling of your enquiry; you may submit a complaint using the council's corporate procedure which is set out in two stages. The first stage comprises a service area investigation and the second an independent investigation by the Feedback and Information Governance (FIG) Team. More information on the corporate complaints procedure can be found via the following link:

<http://www.haringey.gov.uk/complaints-about-council>

- 9.2 If, having received the Council's final response to your complaint, you are still not satisfied with the outcome; you can refer the matter to the Local Government Ombudsman via www.lgo.org.uk/make-a-complaint . Please note The Ombudsman will not investigate any complaint until the complainant has first followed the council's own corporate complaints procedure and sought resolution directly with the council in the first instance.

10. Review and monitoring of this plan

- 10.1 In formulating this plan the council recognises the need to make sure that it is reviewed periodically and updated as necessary to ensure that it remains fit for purpose in the future. The planning department will therefore undertake a review of the plan every two years.
- 10.2 The Council will monitor the length of time taken from the receipt of information regarding a suspected breach of planning control to the conclusion of the case. This monitoring is carried out in order to ensure the timely progression of all complaints received.
- 10.3 The Council employs Planning Enforcement Officers who investigate, initiate enforcement action and provide advice. These officers maintain close contact with the Building Control, Environmental Health, Council Tax and Licensing departments within the Council and with Police and Legal Advisers.
- 10.4 The outcome of the compliance check will be reported to the applicant, agent, complainant or landowner. Any non-compliance will be addressed through usual enforcement practice.



Planning Enforcement contact details

Phone: 020 8489 1000

e-mail: planning.enforcement@haringey.gov.uk

By post: Development Management and Planning Enforcement
Planning Services, 6th Floor
River Park House
225 High Road
Wood Green
N22 8HQ

In person: Wood Green Customer Service Centre
Ground Floor
48 Station Road
Wood Green
N22 7TY
(opening hours - 08:45 – 17:00 Mon-Fri)

Useful websites

Local Policy

<http://www.haringey.gov.uk/planning-and-building-control>

National Policy

www.legislation.gov.uk

www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance

Royal Town Planning Institute

[www.rtpi.org.uk/knowledge/networks/planning-enforcement-\(nape\)/](http://www.rtpi.org.uk/knowledge/networks/planning-enforcement-(nape)/)

Other useful documents

These can all be found online

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Town and Country Planning Act 1990 Section 215: Best Practice Guidance
- Planning Inspectorate – Enforcement Appeals Guides

LIST OF POCA CASES

1. 98 Hewitt Avenue
Owner – Muamer Muge Soydas
AFI – Robert Dunsford
LBH Officer – Fortune Gumbo
Latest position – Confiscation proceedings

2. 39 Vartry Road
Boruch Roth
AFI – Robert Dunsford
LBH Officer – Alan Macpherson
Latest position – Confiscation proceedings

3. 105 Myddleton Road
Andreas Stavrou Antoniadis
AFI – Matt Curzon
LBH Officer – Alan Macpherson
Latest position – Awaiting trial

4. 14 Willoughby Road
Muhammad Saleem and Farkhanda Jabeen
AFI – Matt Curzon
LBH Officer – Russell Quick
Latest position – Confiscation proceedings

5. 17 Ridge Road
Andreas Lytras
AFI – Matt Curzon
LBH Officer – Russell Quick
Latest position – Confiscation confirmed - £300k plus

6. 54 Wightman Road
Kyriacos Sandamas
AFI – Matt Curzon
LBH Officer – Russell Quick
Latest position – Concluded. Payments due.
£76500

7. 134 Arcadian Gardens
Mehmet Kaya
AFI –
LBH Officer – Russell Quick
Latest position – Warrant out

8. 97 Mount Pleasant Road
Harish Parmar
AFI –
LBH Officer – Russell Quick
Latest position – Awaiting trial

9. 65 Park Ridings
Yousif Khan
AFI – Matt Curzon
LBH Officer – Fortune Gumbo
Latest position – Confiscation proceedings

LIST OF PROSECUTIONS 2017/2018

1. 54 Wightman Road, London, N4 1RU

This case has now been resolved. The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the use of the property as flats. The defendant pleaded guilty and was fined £5k, Council's costs of £4.4k and POCA confiscation order of £76.5k.

2. 134 Arcadian Gardens, London, N22 5AE

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the use of the property as a HMO. The defendant did not attend Court despite being served with the summons. Warrant of arrest out for the defendant.

3. 45 Warberry Road, London, N22 7TQ

This prosecution was brought about after the defendant failed to comply with an enforcement notice requiring the removal of unauthorised extension. The defendant complied before trial and the Council recovered some of its prosecution costs. This matter has been resolved.

4. 17 Ridge Road, London, N8 9LE

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the use of the property as flats. The defendant pleaded guilty and was fined £5k, Council's costs of £4k and POCA confiscation order of £310k.

5. 7 Miles Road, London N8 7SJ

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the use of the property as a HMO. The defendant did not attend Court despite being served with the summons. Warrant of arrest out for the defendant.

6. 14 Willoughby Road, London, N8 0HR

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the use of the property as flats. The defendant was found guilty. The Council is currently pursuing POCA confiscation. This matter is currently before the Crown Court.

7. 12 Willoughby Road, London, N8 0HR

This prosecution was brought about after the defendant failed to comply with an enforcement notice in relation to the use of the property as flats and the unauthorised outbuilding. The defendant was found guilty and fined £15k and the Council recovered some of its prosecution costs. This matter has been resolved.

8. 97 Mount Pleasant Road, London, N17 6TW

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the use of the property as flats. The defendant has pleaded not guilty. This matter is set for a trial at the Crown Court.

9. 39 Vartry Road, London, N15

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the use of the property as flats. The defendant was found guilty. The Council is currently pursuing POCA confiscation. This matter is currently before the Crown Court.

10. 3 Clifton Gardens, London, N15

This prosecution was brought about after the defendant failed to comply with an enforcement notice requiring the removal of unauthorised extensions. The defendant was found guilty at the trial. The Council recovered its prosecution costs. This matter has been resolved.

11. 31 Oakdale Road, N4

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the use of the property as flats. The defendant did not attend Court despite being served with the summons. Warrant of arrest out for the defendant.

12. 2 Harringay Road, London, N15

This prosecution was brought about after the defendant failed to comply with the BCN requiring him to operate within the permitted hours. This matter was settled out of court. The defendant is now operating within the permitted hours. The Council recovered its prosecution costs.

13. 352-354 High Rad, N17

This prosecution was brought about after the defendant failed to comply with a s225A notice requiring the removal of unauthorised advertisements. The defendant was found guilty and fined and the Council recovered some of its prosecution costs. This matter has been resolved.

14. 98 Hewitt Avenue, N22

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the dormer and the use of the property as 2 flats. The defendant was found guilty. The Council is currently pursuing POCA confiscation. This matter is currently before the Crown Court.

15. 65 Park Ridings

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to an outbuilding structure and the use of the property as flats. The defendant was found guilty. The Council is currently pursuing POCA confiscation. This matter is currently before the Crown Court.

LIST OF PROSECUTION 2018 TO DATE

1. 105 Myddleton Road, N22

The prosecution was brought about after the defendant failed to comply with the enforcement notice in relation to the use of the property as flats. The defendant has pleaded not guilty. This matter is set for a trial at the Crown Court.

2. 3 Beaconsfield Road, N15

This prosecution was brought about after the defendant failed to comply with an enforcement notice requiring the removal of unauthorised extension. This matter is yet to go to trial.

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