

Report for: Strategic Planning Committee – 25 October 2021

Title: Planning Services Update - 2021/22 Quarters 1 and 2

Report authorised by: Rob Krzyszowski, Assistant Director, Planning, Building Standards & Sustainability

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

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 during April to September 2021.

2. Recommendations

The Strategic Planning Committee is asked:

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 2021/22 Quarters 1&2 Update

Development Management

- Applications received during 2021 (1st April – 30th September): **1,753**
- Applications received during same period 2020: **1,476**
- Number of cases on-hand end of September 2021: **551**
- Appeals decided during 2021 (1st April – 30th September): **46**
- Appeals dismissed (won) during 20/21 (1st April – 30th September): **36**
- Cumulative performance (applications in time) 2020/21 (1st April – 30th September
 - **Majors: 100%**
 - **Minors: 92%**
 - **Others: 92%**
 - **PS0: 91%**

Appendix One explains the categories of applications.

Performance overview

- 5.1 Performance is at 100% for 'Majors' applications. Our performance for 'Minor' applications has remained in high at 92% 'Other' applications at 92%. Performance remains steady and we expect to continue to be top quartile in all categories, despite the year's challenges.

	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Majors	100%	100%	100%	100%	100%	100%
Minors	88%	98%	98%	94%	95%	92%
Others	90%	98%	98%	96%	97%	92%
PS0	86%	89%	90%	91%	91%	91%
A.O.D.	68%	69%	86%	90%	91%	90%

Cumulative Performance (April-March from 2016/17 onwards, April-Sep 2021/22)

- 5.2 The Government has three measures of application performance which the Council must remain within thresholds for. If we breach these thresholds we will 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 2021 (1st April – 30th September) we have decided the following:

- **7 'Major'** applications (compared to the 9 during the same period last year)
- The average time of decision has decreased from 235 to 213 days but all have been subject to planning performance agreements.

	2016 /17	2017 /18	2018 /19	2019 /20	2020 /21	2021/22 (to end of Sep)
No. of Major Apps decided	27	32	27	19	16	7

Major applications received over past five years

- **188 'Minor'** applications (compared to the 211 'Minor' in the same period last year)
- The average decision day decreased from 87 to 81 days
- **693 'Other'** applications (compared to the 533 'Other' applications decided last year, an increase of 30%). The average decision day has increased from 67 to 70 days (a result of efforts to clear some backlog applications)

- 5.4 The length of time taken to validate an application is at an average of 3 days, reduced from 8 days.
- 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 end to end times further will continue to be a focus for the coming year:

	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021/2022 (1 April – 30 Sep)
Received	2951	3479	3907	4019	3399	3574	3094	2702	1753
Approved	2372 (80%)	2807 (81%)	2935 (75%)	3255 (81%)	2659 (78%)	2963 (83%)	2576 (83%)	2140 (79%)	1428 (85%)
Refused	338 (12%)	470 (14%)	709 (18%)	506 (13%)	385 (11%)	356 (10%)	314 (10%)	432 (16%)	260 (15%)
Average days	73	76	69	61	54	62	63	65	69

- 5.6 Officer caseloads are at around 46 per officer in Q2 of 2021/22 financial year, slightly up from 44 last year.
- 5.7 The number of on hand applications has increased compared to this time last year. As of the end of September 2021, there were 551 on hand applications (up 70 on this time last year).
- 5.8 The number of applications over 26 weeks is now at around 129. These cases are all complex or awaiting section 106 sign off significant efforts have been made to reduce this and will continue.

Pre-application advice

- 5.9 During 2021 (1st April – 30th September) there have been:
- 84 pre-application meetings (same period last year: 66)
 - generating a total of £129k in income (same period last year: £172k)
 - 72 householder pre-application meetings (same period last year: 34)
 - generating £24.5k in income compared to (same period last year: £10.8k)
- 5.10 The use of Planning Performance agreements (PPAs) during the period 2020/21 (1st April – 30th September) has generated £569.7k in income, compared to £226k last year within the same period. The team is continuing to encourage the use of PPAs for a wider range of work.
- 5.11 New express householder written advice and fastrack certificate of lawfulness services have been introduced and proved popular with customers whilst increasing income for the service.

Planning Decisions

- 5.12 The Planning Sub Committee has moved from virtual to 'hybrid' meeting and has met 6 times in 2021/22 so far (April, May, June, July, September and October) and resolved to grant planning permission for:
- A major housing development
 - A major mixed use development in North Tottenham
 - Reserved Matters for developments around the THFC Stadium
 - A workspace project in Bruce Grove
 - 23 residential units for council rent
- 5.13 The final government threshold relates to overturns of refusals (officer and committee) on applications on appeal. We are at 1% on minor / other applications. Department for Levelling Up, Housing and Communities has confirmed that we have avoided designation this year achieving a figure of with a threshold of 10%). This year's narrow miss shows that the number of major applications that we determine is relatively low and it does not need many appeals to be lost to bring us close to this threshold. A recent appeal loss (300-306 West Green Road) has taken us over the threshold going into the next assessment period although the final official figure by the time of the next formal assessment may return just below the threshold. This was refused by Planning Sub-Committee with a recommendation for approval. We have 1 other major appeal pending.
- 5.14 The measure used to measure quality of planning decisions is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period.
- 5.15 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.
- 5.16 The threshold for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is 10% of an authority's 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.

5.17 Haringey's performance at present is as follows:

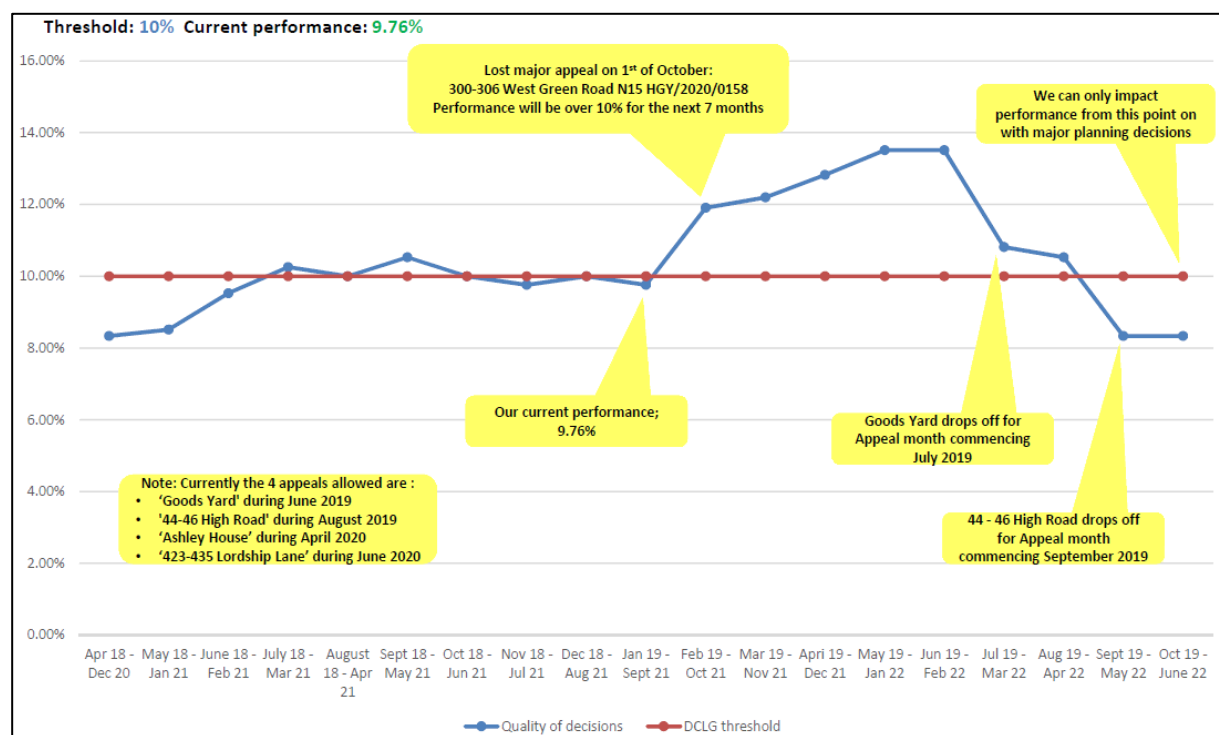
Type of application	Number of apps	Number of overturns	% (Threshold 10%)
Majors	41	4	9.76%

5.18 The Service has been relatively successful in defending major appeals. In May 2021 10 Gourley Street was dismissed. We have 1 live appeal on a major application (Guildens, Courtenay Avenue which was dismissed in May 2021 but the decision has since been revoked following a legal challenge). It is possible our decision may be overturned. The number of major applications dealt with over the past 2 years has been around 40 so further appeal losses could take us above the 10% threshold at the end of this year.

5.19 Potential performance figures in March 2022 taking account of the appeals:

Type of application	Potential Number of apps	Current Number of overturns	Potential % (Threshold 10%)
Majors (no more losses)	37	4	10.81%
Majors +1 further appeal loss	41	5	13.51%

5.20 The Service is doing all it can to defend these appeals and process new major applications promptly. The recent appeal loss does not mean the threshold will be exceeded next year as older decisions will move outside of the relevant time period in the coming months, however it poses a challenge to avoid designation next year.



Majors appeal performance over last 5 years

Planning Enforcement

- Enforcement complaints received during 2021 so far (1st April – 30th September): 421 compared to the 413 Enforcement complaints received during the same period last year.
 - Enforcement notices served during 2021 so far (1st April – 30th September): 39 compared to the 35 Enforcement notices served during the same period last year.
- 5.21 Of the complaints 70% were acknowledged within one working day of receipt. This measure is down from 74% last year, as a result of staff shortages within the Customer Services Team.
- 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 which are still going through the courts (these take a significant length of time).
- 5.23 In September 2021 officers secured a confiscation order of just over £100k against a landlord who had deliberately refused to comply with the requirements of two enforcement notices at two of his properties. The Council will get a share of that amount (approx 1/3) with 10% of the total confiscation order being paid to Barnet Council who provide the Accredited Financial Investigation services as Haringey does not have that capacity with the largest share going to central government.
- 5.24 Planning Enforcement officers have a backlog of site visits as a result of the Covid-19 lockdowns.

Member Training & Site Visits

- 5.25 Member site visits have taken place in July and September visiting the Haringey Warehouse District, several sites in Tottenham Hale and Clarendon in Wood Green. Further learning visits are expected for 2021.

Planning Policy & Infrastructure

New Local Plan

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

Document	Regulation	Date
New Local Plan First Steps Engagement consultation	Reg 18	November 2020-February 2021
Draft Local Plan consultation	Reg 18	Early 2022
Proposed Submission Local Plan consultation	Reg 19	2022
Submission & Examination	Reg 22-25	2022/23
Adoption	Reg 26	2023

5.27 Work is continuing with key partners to ensure broad engagement on the New Local Plan. Ahead of the preparation of a Draft Local Plan the New Local Plan Member Working Group (NLPMWG) has been reconvened made up of the Members of the Strategic Planning Committee. It met on 10 August 2021 to consider headline results from the First Steps Engagement and emerging evidence and met again on 21 September 2021 to discuss draft policy directions in relation to the climate emergency and green infrastructure. Further meetings of the NLPMWG are scheduled for late 2021.

5.28 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 has commissioned the following evidence in support of the New Local Plan:

Study	Timeline for completion
Strategic Housing Market Assessment	Completed
Archaeological Priority Area Study	Completed
Gypsy and Traveller Accommodation Needs Assessment	Late 2021
Employment Land Study	Late 2021
Retail and Town Centre Needs Study	Late 2021
Sites of Importance for Nature Conservation Study	Late 2021
Strategic Flood Risk Assessment (Level 1)	Late 2021/Early 2022
Whole Plan Viability Study	Late 2021/Early 2022

Other planning policy workstreams

5.29 In August 2020 the Government published the **Planning White Paper: Planning for the Future** setting out how it proposes to reform the planning system. A significant response was received to the consultation. In May 2021 it was announced in the Queen's Speech that a Planning Bill would be published later in this Parliament. This was expected to be published in Autumn 2021, however following the appointment of a new Secretary of State and the renaming of the Ministry of Housing, Communities and Local Government

(MHCLG) to the Department for Levelling Up, Housing and Communities (DLUHC) it is anticipated this will be delayed.

- 5.30 A report addressing proposed changes to the **National Planning Policy Framework (NPPF)** and the publication of a draft **National Model Design Code (NMDC)** was considered by Regulatory Committee in February 2021. On 20 July 2021 the Government updated the NPPF and launched an Office for Place. The NPPF was revised to implement policy changes in response to the Building Better Building Beautiful Commission “Living with Beauty” report and to incorporate an increased focus on design. The NMDC is intended to inform local design guides and codes or, in the absence of local guidance, act in their stead.
- 5.31 The **new London Plan** was formally published by the Mayor of London on 2 March 2021 at which point the **London Plan 2021** replaced the London Plan 2016 as part of the borough’s Development Plan. The Plan sets the overarching framework for how London will develop over the next 20-25 years. It sets Haringey a ten-year housing target of 15,920 homes (1,592 per annum). Following intervention by the Secretary of State there were a number of changes to the final published version of the Plan including deletion of the plan’s no net loss of industrial capacity provision in designated areas, additional guidance on the most suitable locations for higher density development and modification of the tall buildings policy.
- 5.32 On 24 May 2021 the Minister for Housing made a Written Ministerial Statement on **First Homes** setting out the Government’s plans for the delivery of First Homes, with further details in planning practice guidance published on the same day. From 28 June 2021, and subject to transitional arrangements, national planning policy included a home meeting the criteria of a First Home within the definition of ‘affordable housing’. Low cost homes for sale are not a new form of affordable housing, but the specific criteria and requirements of First Homes are new. First Homes are a specific kind of discounted market sale housing for first-time buyers which must be discounted by a minimum 30% against the market value. From 28 June 2021, national policy stated that at least 25% of all affordable homes delivered through developer contributions (Section 106) should be sold as First Homes. Changes will have implications for the New Local Plan, New Housing Strategy and potentially council direct delivery.
- 5.33 On 1 September 2020 major changes to the Use Classes Order took effect including the introduction of three new use classes: Class E, Class F.1 and Class F.2 and the deletion of various others. Following consultation in December 2020, the Government confirmed on 31 March 2021 that a **new permitted development right** would be introduced to allow the change of use in England from any use, or mix of uses, from the **Commercial, Business and Service use class (Class E) to residential use (Class C3)**. The relevant order came into force on 21 April 2021 with the new permitted development right coming into effect from 1 August 2021. In July 2021 the Government made a range of changes to the General Permitted Development Order (GPDO) to streamline the forms of permitted development allowed in the GPDO and clarify rights available for Use Class E.

- 5.34 On 26 June 2021 the Council confirmed an **Office to Residential Article 4 Direction** restricting permitted development rights which allow for the change of use from offices to residential without full planning permission. This applies to the borough's main town centres and designated growth areas. Due to the above mentioned new permitted development right from Class E to Class C3 the Council's Office to Residential Article 4 Direction will only have effect until 31 July 2022 as per the Government's transitional measures.
- 5.35 The **Highgate School Supplementary Planning Document (SPD)** was adopted on 9 March 2021. The SPD was prepared by the council in conjunction with Highgate School to provide further guidance on the adopted Site Allocation in relation to the enhancement or redevelopment of Highgate School's estate. The SPD will help preserve the special character, heritage, and amenity of the local area. The SPD is part of Haringey's planning policy framework and will be a material consideration in the determination of any future planning applications at Highgate School.
- 5.36 The **Housing Delivery Test** is an annual measurement of housing delivery introduced by the Government in 2018. The Housing Delivery Test results for 2020 were published on 19 January 2021. Haringey's result was 60%, the consequence of which is that the 'Presumption in Favour of Sustainable Development' (PIFSD) took effect on 20 January 2021 and the Council had to publish another Housing Delivery Test Action Plan which was published in July 2021.
- 5.37 The **Authority Monitoring Report (AMR)** 2019-20 was published in October 2021.
- 5.38 On 7 May 2021 the Council approved the re-designation of the **Crouch End Neighbourhood Forum**. The Crouch End Neighbourhood Forum was first designated by the Council on 15 December 2015. The Localism Act 2011 provides that Neighbourhood Forum designations only last for a period of 5-years therefore designation of the Forum expired on 15 December 2020. The Forum applied to the Council to be re-designated as a Neighbourhood Forum in January 2021. A consultation on this application ran from 5 February 2021 to 19 March 2021 which indicated general support for redesignating the Forum. Having regard to this and the fact that the Forum satisfies legal requirements for designation of a Forum the Council took the decision that the Forum should be redesignated. The Forum can now continue to work on preparing a Neighbourhood Plan for the designated neighbourhood area.
- 5.39 In September 2021 the Government launched a **Supporting defence infrastructure and the future of time-limited permitted development rights** consultation. The consultation seeks views on making permanent two time-limited permitted development rights which were introduced to support businesses and the high street in response to the coronavirus pandemic. These rights are to: 1) allow markets to be held by, or on behalf of local councils, including provision of movable structures related to this use for an unlimited number of days and 2) to allow movable structures such as marquees and additional seating in the grounds of pubs, cafes restaurants and historic visitor attractions.

Building Control

Building Control	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22*
Applications	2362	2494	2173	1996	2323	1717	1495
Fees	622k	651k	686k	604k	600k	561k	450k
Site visits	6682	6697	6531	6817	6278	5603	3300
Market share	59%	60%	54%	54%	62%	53%	68%
Dangerous Structures	205	173	128	190	162	159	108
Demolition Notices	31	24	18	13	29	20	3
* April - Sept							

- 5.40 Last year applications were lower than in preceding years due to Covid, however the fee income was still reasonably strong. Inspections were also lower, but even though we were in several lock downs, the number of inspections were still substantial which showed that Haringey Building Control maintained a strong service throughout the pandemic. The first half of this year has showed a strong recovery, although the number of applications is high due to significant applications from HfH.
- 5.41 Dangerous Structures have as always been ever prevalent, with 108 in the first half of this year, including a significant piece of proactive work in Crouch End, Muswell Hill and Green Lanes.
- 5.42 Building Control continues to be occupied by the progress of the Building Safety Bill and is helping to form guidelines as to how London Building Control services will work with the Building Safety Regulator. Building Control presented an update on the progress of the Bill to an All Member Briefing on 16 September 2021.
- 5.43 Last year Building Control managed to move the service to fully working from home whilst still having a significant presence in the borough with the Surveyors carrying out site inspections. There has clearly been a recovery in the first six months of the year (even taking into account the HfH applications) and this is impacting on staff, as a result the service is looking at expanding resources. To this end we have just appointed an apprentice, starting work in October 2021.

6. Contribution to strategic outcomes

- 6.1 The Planning service contributes to all Priorities of the Borough Plan.

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 1000m²
- Office / light industrial - 1000+ m² / 1+ hectare

- General industrial - 1000+ m² / 1+ hectare
- Retail - 1000+ m²/ 1+ hectare
- Gypsy/traveller site - 10+ pitches
- Site area exceeds 1 hectare

Minor Development

- 1-9 dwellings (unless floorspace exceeds 1000m² / under half a hectare)
- Office / light industrial - up to 999 m²/ under 1 hectare
- General industrial - up to 999 m²/ under 1 Hectare
- Retail - up to 999 m²/ 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, discharge of conditions, non-material amendments