

Report for: Strategic Planning Committee – 31 January 2022

Title: Planning Services Update – 2021/22 Quarter 3

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

Lead Officer: Robbie McNaugher, 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 to December 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 Quarter 3 Update

Development Management

- Applications received during 2021 (1st April – 31st December): **2,531**
- Applications received during same period 2020: **2,380**
- Number of cases on-hand end of December 2021: **535**
- Appeals decided during 2021 (1st April – 31st December): **72**
- Appeals dismissed (won) during 20/21 (1st April – 31st December): **55**
- Cumulative performance (applications in time) 2020/21 (1st April – 31st December)
 - **Majors: 100%**
 - **Minors: 91%**
 - **Others: 91%**
 - **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 91% ‘Other’ applications at 91%. Performance remains steady and we expect to continue to be top quartile in all categories, despite the year’s challenges.

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

Cumulative Performance (April-March from 2016/17 onwards, April-Dec 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 – 31st December) we have decided the following:

- **9 ‘Major’** applications (compared to the 15 during the same period last year)
- The average time of decision has decreased from 237 to 205 days but all have been subject to planning performance agreements.

	16/17	17/18	18/19	19/20	20/21	21/22 (to end of Dec)
No. of Major Apps decided	27	32	27	19	16	9

Major applications received over past five years

- **271 ‘Minor’** applications (compared to the 332 ‘Minor’ applications in the same period last year)
- The average decision day increased from 83 to 85 days
- **1,008 ‘Other’** applications (compared to the 850 ‘Other’ applications in the same period last year)
- The average decision day has increased from 62 to 69 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 4 days, reduced from 9 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:

	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021/2022 (1 April – 31 Dec)
Received	4019	3399	3574	3094	2702	2531
Approved	3255 (81%)	2659 (78%)	2963 (83%)	2576 (83%)	2140 (79%)	2062 (81%)
Refused	506 (13%)	385 (11%)	356 (10%)	314 (10%)	432 (16%)	362 (14%)
Average days	61	54	62	63	65	68

- 5.6 Officer caseloads are at around 54 per officer in Q3 of 2021/22 financial year, slightly up from 48 last year.
- 5.7 The number of on hand applications has slightly increased compared to this time last year. As of the end of December 2021, there were 535 on hand applications (up from 524 on this time last year).
- 5.8 The number of applications over 26 weeks is now at around 124. These cases are largely complex or awaiting section 106 sign off significant efforts have been made to reduce this and will continue.

Pre-application advice

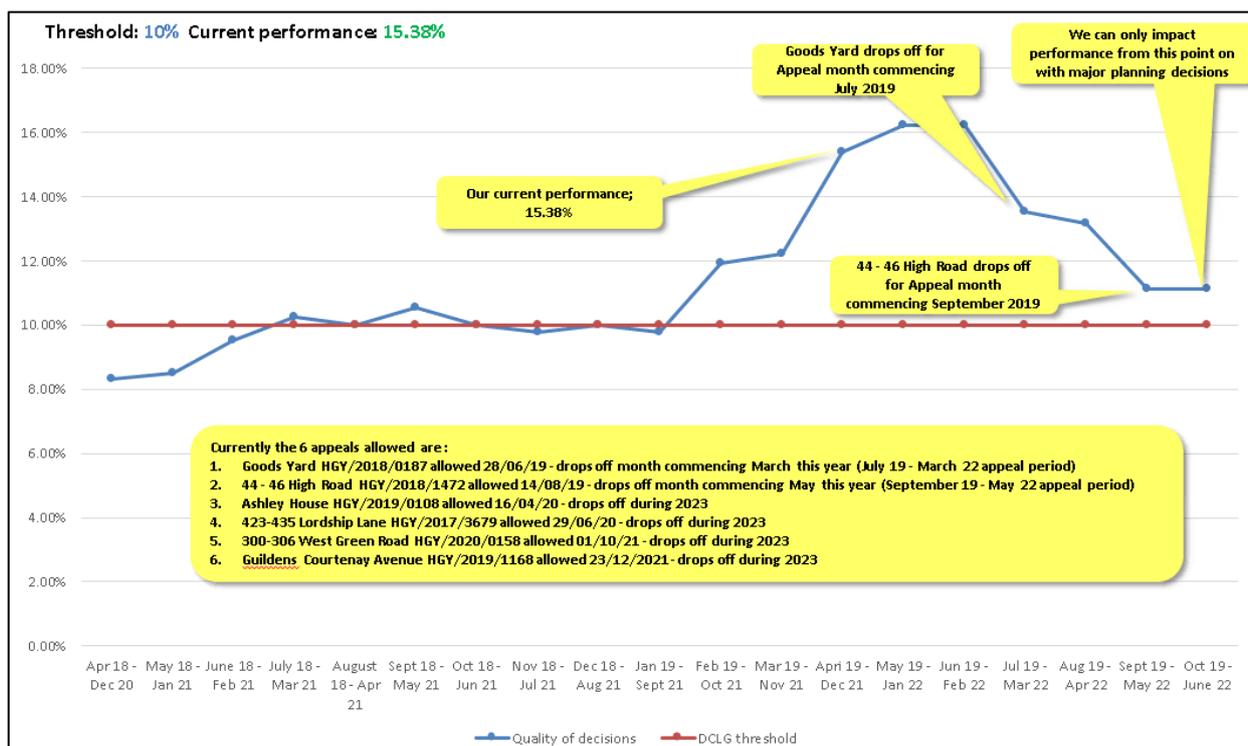
- 5.9 During 2021 (1st April – 31st December) there have been:
- 120 pre-application meetings (same period last year: 98)
 - generating a total of £164k in income (same period last year: £267k) representing fewer larger sites than previous years
 - 89 householder pre-application meetings (same period last year: 61)
 - generating £30.5k in income compared to (same period last year: £19k)
- 5.10 The use of Planning Performance Agreements (PPAs) during the period 2020/21 (1st April – 31st December) has generated £705.2k in income, compared to £437k 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. Since April 2021 to date we have received:
- 15 instances of Fast Track Certificate of Lawfulness applications generating a total of £7,243.50
 - 27 instances of Fast Track Pre-applications generating a total of £6,544.00.

Planning Decisions

- 5.12 The Planning Sub Committee has moved from virtual to ‘hybrid’ meeting and has met 8 times in 2021/22 so far (April, May, June, July, September, October, November (twice), December).
- 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.
- 5.14 For major applications 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 The Department for Levelling Up, Housing and Communities has confirmed that we have avoided designation this period (2018-20) achieving a figure of with a threshold of 10%).
- 5.18 For the current period 2019-21 two recent appeal losses (300-306 West Green Road and Guildens, Courtenay Avenue) have taken us over the threshold. 300-306 West Green Road was refused by Planning Sub-Committee with a recommendation for approval. Guildens was allowed following a legal challenge to the original inspector’s decision to dismiss the appeal in May 2021. No other major appeals are pending. An appeal has been submitted against the refusal of the THFC Goods Yard application but has not yet been validated and the decision will fall within the 2020/22 period.
- 5.19 Haringey’s performance at present is as follows:

Type of application	Number of apps	Number of overturns	% (Threshold 10%)
Majors	39	6	15.38%

5.20 Potential performance figures for the whole 2 year period 2019-21 are likely to exceed the 10% threshold.



Majors appeal performance over last 5 years

5.20 The service is doing all it can to defend these appeals and process new major applications promptly. Officers consider it unlikely that the government will seek designation as the other performance measures are very positive, and the Council is proactive in supporting housing delivery through its own Council home building programme and developing its New Local Plan.

Planning Enforcement

- Enforcement complaints received during 2021 (1st April – 31st December: 589 compared to the 602 Enforcement complaints received during the same period last year.
- Enforcement notices served during 2021 (1st April – 31st December: 56 compared to the 53 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 87% 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 visiting the Haringay Warehouse District, several sites in Tottenham Hale, Clarendon in Wood Green and several Haringey Design Award winning sites.

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	Mid 2022
Proposed Submission Local Plan consultation	Reg 19	2022/23
Submission & Examination	Reg 22-25	2023
Adoption	Reg 26	2023

5.27 Work is continuing with key partners to ensure broad engagement on the New Local Plan. The New Local Plan Member Working Group (NLPMWG) met 4 times between August and November 2021 including discussing draft policy directions for:

- the climate emergency and green infrastructure
- the economy, town centres and high streets
- design and heritage.

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	Completed
Employment Land Study	Completed
Retail and Town Centre Needs Study	Completed
Sites of Importance for Nature Conservation Study	Completed
Strategic Flood Risk Assessment (Level 1)	Spring 2022
Whole Plan Viability Study	Spring 2022

Other planning policy workstreams

5.29 On 27 September 2021 the council submitted the Haringey **Community Infrastructure Levy Draft Charging Schedule (CIL DCS) 2021** for an independent examination. The submitted CIL DCS proposes changes to the adopted CIL rates in the east of the borough only. The headline change proposed is an increase in the residential CIL rate from £15 per square metre (non-indexed) to £50 per square metre. In November 2021 the Examiner submitted a series of questions to the Council and the Council subsequently provided written responses to those questions. In December 2021 the Council

was informed that the Examiner will not be holding a public hearing as part of his examination. The Council is expecting to receive the Examiner's completed report in early 2022 which will assess whether the proposed changes to the Council's adopted Charging Schedule are sound.

- 5.30 In October 2021 the Council was issued with the Inspector's Report for the **North London Waste Plan (NLWP)**. This confirmed that, subject to Main Modifications, the NLWP is legally compliant and sound, and recommended that it can now proceed to adoption by the Boroughs. A separate report will be presented to the Committee in relation to the NLWP in due course.
- 5.31 In November 2021 the Environment Bill gained Royal Assent and became the **Environment Act**. A key provision within the Act is the introduction of a biodiversity net gain (BNG) requirement set to become mandatory in 2023. It will require developers to demonstrate how they will bring about a minimum ten per cent increase in biodiversity in order to obtain planning permission for their projects. In January 2022 the Government launched a consultation on Biodiversity Net Gain Regulations and Implementation setting out its proposals of how BNG will be applied through the planning system and to Nationally Significant Infrastructure Projects.
- 5.32 The **Housing Delivery Test** is an annual measurement of housing delivery introduced by the Government in 2018. The Housing Delivery Test results for 2021 were published on 14 January 2022. Haringey's result was 75%. This is a significant improvement on the 2020 measurement of 60% and consequently the Council is no longer subject to the National Planning Policy Framework's 'Presumption in Favour of Sustainable Development' (PIFSD). This is an important change which means the Council can once again give maximum weight to its own Development Plan in planning decisions. However, the Council is still short of the target delivery threshold and will continue to have to produce another Housing Delivery Test Action Plan as well as include a 20% buffer on the authority's five-year housing land supply.
- 5.33 The **Authority Monitoring Report (AMR) 2019-20** was published in October 2021. The Authority Monitoring Report for 2020-21 is under preparation.
- 5.34 In December 2021 the Government made permanent two time-limited **permitted development rights** relating to outdoor markets and moveable structures, alongside the introduction of limitations and conditions to address any impacts. The rights are to 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 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	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22*
Applications	2494	2173	1996	2323	1717	2129
Fees	651k	686k	604k	600k	561k	528k
Site visits	6697	6531	6817	6278	5603	4701
Market share	60%	54%	54%	62%	53%	59%
Dangerous Structures	173	128	190	162	159	147
Demolition Notices	24	18	13	29	20	11

- 5.35 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 year to date has shown a strong recovery, although the number of applications is high due to significant applications from HfH.
- 5.36 Dangerous Structures have as always been ever prevalent, with 147 dangerous structures to date, including 2 significant out of hours call outs where we had to call out our dangerous structure contractor to remove the danger. The proactive work in Crouch End, Muswell Hill and Green Lanes continues and where our approach has been ignored, we will have to consider further action.
- 5.37 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. The Bill continues its passage through Parliament and we understand that it will shortly be passing through to the Lords, with Royal Assent in this parliamentary year still on target. In addition to the Building Safety Bill, the Department of Levelling Up, Housing and Communities has been busy in issuing new Approved Documents in a number of key areas that are due to come into force in early summer.
- 5.38 In 2020 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 appointed an apprentice, who started with us in November and will be commencing her studying later this month. In addition to this apprentice, we are about to establish a second apprentice post. As well as the apprentices we are ensuring the service is capable of undertaking the additional roles and responsibilities required under the Building Safety Bill. The key stage in this will be ensuring that all the surveyors within Building Control

will be able to register with the Building Safety Regulator (one of the known requirements of the 'new' regime).

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