

Report for: Strategic Planning Committee - 14 June 2022

Title: Planning 2021/22 Quarter 4 Update

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Lead Officer: Robbie McNaugher, Head of Development Management
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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 March 2022.

2. Recommendations

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 4 Update

Development Management

- Applications received during 2021/22 (1st April – 31st March): **3,375**
- Applications received during same period 2020/21: **3,308**
- Number of cases on-hand end of March 2022: **726**
- Number of cases on-hand end of March 2021: **550**
- Appeals decided during 2021/22 (1st April – 31st March): **91**
- Appeals decided during same period 2020/21: **54**
- Appeals dismissed (won) during 21/22 (1st April – 31st December): **72 (79%)**
- Appeals dismissed (won) during same period 2020/21: **42 (77%)**
- Cumulative performance (applications in time) 2021/22 (1st April – 31st March)
 - **Majors: 100%**
 - **Minors: 90%**
 - **Others: 91%**

- **PS0: 91%**

Appendix One explains the categories of applications.

Performance overview

5.1 As set out above performance is at 100% for 'Majors' applications. Our performance for 'Minor' applications has remained in high at 90% and 'Other' applications at 91%. Performance remains steady and we expect to continue to be top quartile in all categories, despite the year's challenges including losing two staff members in December. The loss of staff has resulted in an increased backlog of applications however new staff have now been recruited and work is underway to address this. Appeal performance has continued to be excellent.

	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%	90%
Others	90%	98%	98%	96%	97%	91%
PS0	86%	89%	90%	91%	91%	91%
A.O.D.	68%	69%	86%	90%	91%	88%

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

5.2 The Government has three measures of application performance which the Council must remain within thresholds for. If we breach these thresholds we may be designated as a poorly performing planning authority and developers will then have the option of applying directly to the Planning Inspectorate for planning permission. This would mean that we don't get the fee income for that application but we are still required to undertake the consultation. In addition we lose the democratic right to determine the application. These are (assessed over a two-year rolling period):

- Majors applications performance at least 50%
- Minor and Other applications performance at least 70%
- Appeals lost (below 10% in both categories)

5.3 In 2021/22 we have decided the following:

- **15 'Major'** applications (compared to the 20 during the same period last year)
- The average time of decision has decreased from 365 to 257 days but all have been subject to planning performance agreements or extensions of time due to the need for S106 agreements on applications of this scale.

	16/17	17/18	18/19	19/20	20/21	21/22
No. of Major Apps decided	27	32	27	19	20	15

Major applications decided over past five years

- **336 'Minor'** applications (compared to the 453 last year)
- The average decision time has remained the same at 85 days
- **1,239 'Other'** applications (compared to the 1,157 last year)

- The average decision time has increased from 61 to 72 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 7 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 will be a focus for the coming year:

	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021/2022
Received	4019	3399	3574	3094	3308	3375
Approved	3255 (81%)	2659 (78%)	2963 (83%)	2576 (83%)	2590 (78%)	2535 (75%)
Refused	506 (13%)	385 (11%)	356 (10%)	314 (10%)	475 (14%)	499 (15%)

- 5.6 Officer caseloads are at around 73 per officer in Q4 of 2021/22 financial year, which is an increase from 50 last year.
- 5.7 The number of on hand applications has increased compared to this time last year. As of the end of March 2022, there were 726 on hand applications (up from 550 on this time last year).
- 5.8 The number of applications over 26 weeks is now at around 159. Many of these cases are complex or awaiting section 106 sign off but several are due to the current backlog. With new staff in place significant efforts can now be made to reduce this.

Pre-application advice

- 5.9 During 2021/22 there have been:
- 175 pre-application meetings (same period last year: 138)
 - generating a total of £268k in income (same period last year: £360k) representing fewer larger sites than previous years
 - 123 householder pre-application meetings (same period last year: 96)
 - generating £43k in income compared to (same period last year: £30.5k)
- 5.10 The use of Planning Performance Agreements (PPAs) during the period 2021/22 has generated £1.2 million in income, compared to £486k last year within the same period. The team is continuing to encourage the use of PPAs for a wider range of work. More pre-application discussions are taking place through PPAs rather than standalone pre-apps which has reduced the pre-app income levels set out above.
- 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:

- 16 instances of Fast Track Certificate of Lawfulness applications generating a total of £7,846.50
- 37 instances of Fast Track Pre-applications generating a total of £8,934.00.

Planning Decisions

- 5.12 The Planning Sub Committee has moved from virtual to in person meetings and met 12 times in 2021/22.
- 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 for quality of planning decisions is the percentage of the total number of decisions made that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period.
- 5.15 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, is 10% of the total number of decisions on applications made during the assessment period being overturned at appeal. This is calculated as an average over the assessment period.
- 5.17 The Department for Levelling Up, Housing and Communities has confirmed that we have avoided designation this period (2018-20) achieving a figure 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. There is one further appeal pending against the refusal of the THFC Goods Yard application but the decision will fall within the 2020/22 period.
- 5.19 Haringey's performance for 2019/21 and 2020/22 is as follows:

Type of application	Number of apps	Number of overturns	% (Threshold 10%)
Majors 19/21	39	6	15.38
Majors 20/22	34	4	11.76

- 5.20 These figures are based on our own assessment of potential performance figures so the final result can differ, but show for the 2 year period 2019-21 we expect to exceed the 10% threshold. For 2020-22 the final figures are determined in December this year but already show the threshold exceeded a further appeal loss would take the percentage figure even higher.
- 5.21 The results of the government's own figures are published in June and the Council is given the opportunity to make a case against the need for designation by September. Officers consider it unlikely that the government will seek designation as the other performance measures are very positive, and the Council has a good record of delivery, is proactive in supporting housing delivery through its own Council home building programme and developing its New Local Plan. The service is doing all it can to defend these appeals and process new major applications promptly.

Planning Enforcement

- Enforcement complaints received during 2021/22: 759 compared to the 788 Enforcement complaints received during the same period last year.
 - Enforcement notices served during 2021/22: 74 compared to the 58 Enforcement notices served during the same period last year.
- 5.22 Of the complaints 66% were acknowledged within one working day of receipt. This measure is down from 80% last year, as a result of staff shortages within the Customer Services Team.
- 5.23 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).
- 5.24 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. Officers are working with colleagues in other departments to explore bringing Financial Investigation Services in house to increase the proportion of income received from confiscation orders.
- 5.25 The Planning Enforcement Team has returned to full capacity following recruitment of additional officers.

Member Training & Site Visits

- 5.26 Member site visits have taken place visiting the Harringay Warehouse District, several sites in Tottenham Hale, The Tottenham Hotspur Stadium, Clarendon in Wood Green and several Haringey Design Award winning sites.

Planning Policy & Infrastructure

New Local Plan

- 5.27 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	Autumn 2022
Proposed Submission Local Plan consultation	Reg 19	2023
Submission & Examination	Reg 22-25	2023
Adoption	Reg 26	2023

- 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)	Completed
Whole Plan Viability Study	Summer 2022

- 5.29 In response to the requirements of the London Plan 2021 and having regard to the draft Characterisation and Growth London Plan guidance an updated Characterisation Study is being prepared by Council officers to inform the capacity for change and growth in the different parts of the borough. This is taking a digital approach to data collection and mapping to assist public involvement and the presentation of findings.
- 5.30 A Draft Local Plan is currently under preparation and approval to consult will be sought from Strategic Planning Committee and Cabinet later this year. At the same time the key evidence base documents listed above will be published together with a comprehensive Consultation Report setting out the feedback received from the community and other stakeholders as part of the First Steps Engagement.

Other planning policy workstreams

- 5.31 On 14 March 2022 the Council approved a [Revised Community Infrastructure Levy \(CIL\) Charging Schedule](#) to take effect on 1 September 2022. This follows a CIL Partial Review which began in 2016 and culminated in the [examination](#) of the Revised Charging Schedule in late 2021. Rate changes principally affect the east of the borough and include an increase in the residential CIL rate in the eastern charging zone from £15 per square metre to £50 per square metre. The Council's [existing Charging Schedule](#) which has been in place since 2014 will continue to have effect until 1 September 2022.
- 5.32 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. Four of the North London boroughs have since adopted the NLWP. A separate report is presented to the Committee in relation to the proposed adoption of the NLWP.
- 5.33 In March 2022 the Planning Policy Team responded to the Government's **consultation on Biodiversity Net Gain (BNG) Regulations and Implementation** which sets its proposals for how BNG will be applied through the planning system. The Council's response made the key point that, in a highly urbanised location like London, smaller scale development such as back land schemes or extensions on gardens are a fundamental part of development and could cumulatively have a significant effect on biodiversity and ambitions to achieve net gain. Consequently, the response stated that the de-minimus threshold for BNG should be no larger than 50sqm.
- 5.34 On 2 February 2022 the Government published the "Levelling Up the United Kingdom" White Paper setting out how the Government intends to spread opportunity more equally across the UK. This set out that legislation would be introduced to Parliament to underpin in statute the changes fundamental to levelling up, alongside wider planning measures. On 11 May 2022 the Government published a **Levelling-up and Regeneration Bill** setting out a number of proposed changes to the planning system. The explanatory notes to the bill explained that the measures within "have been informed by more than 40,000 responses to the government's 2020 White Paper 'Planning for the Future', and the subsequent inquiry into planning reform by the Housing, Communities and Local Government Select Committee" and that "the new system will be based on the principles of: beauty, infrastructure, democracy, environment and neighbourhood engagement".
- 5.35 As drafted the Levelling-up and Regeneration Bill and supporting documentation:
- increases planning fees for minor and major applications by 25% and 35% respectively, subject to consultation and alongside a new planning performance framework, although no implementation date is given;
 - includes new requirements for Local Plans to be prepared based on standardised and reusable data allowing both plans and underpinning data to be accessed and understood more easily, as well as giving the Secretary of State power to require use of approved planning data software;

- changes reporting on timetables for Local Plan production and sets an expectation that they are produced within 30 months;
- requires each local planning authority to prepare one local plan, with the content limited to locally specific matters such as allocating land for development, detailing required infrastructure and setting out principles of good design;
- provides that general policies on issues that apply in most areas (such as general heritage protection) will be set out nationally and contained in a suite of National Development Management Policies, which will have the same weight as plans so that they are fully taken into account in decisions. Local plans will not be able to repeat these;
- replaces existing Supplementary Planning Documents (SPDs) with 'Supplementary Plans' with an added requirement that these need to go through a formal examination stage, although this does not necessarily have to be via the Planning Inspectorate;
- reduces the scope of matters that the London Plan may cover;
- will require all local planning authorities to have a design code in place covering their entire area;
- will replace the current system of securing developer contributions (through section 106 agreements and the Community Infrastructure Levy) with a new Infrastructure Levy (IL). The rates and thresholds will be contained in 'charging schedules' and set and raised by local planning authorities (rather than nationally). It is intended that IL will be charged based on the final gross development value of development, whereas CIL is charged based on the floorspace of development when planning permission is granted. The Bill does not provide full details, there is likely to still be a narrow and targeted role for S106 agreements, and the new IL will be introduced through a 'test and learn' approach over several years;
- sets out that a new system of Environmental Outcomes Reports will replace the EU-originated processes of Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA);
- introduces a new neighbourhood planning tool called a "neighbourhood priorities statement". which will provide communities with a simpler and more accessible way to set out their key priorities and preferences for their local areas;
- includes a placeholder for a substantive clause which will introduce a 'Street Votes' system that permits residents to propose development on their street and hold a vote on whether it should be given planning permission;
- giving important categories of designated heritage assets such as scheduled monuments and registered parks and gardens the same statutory protection as listed buildings and conservation areas;
- requires new Commencement Notices to be submitted by developers specifying the date on which development is expected to be begun, and amending Completion Notices which can state that planning permission will cease to have effect at a specified time if development is not implemented;

- amends and strengthens the enforcement powers and sanctions available to local planning authorities to deal with individuals who fail to abide by the rules and process of the planning system;
- proposes to remove the requirement to maintain a rolling five year supply of deliverable land for housing.

5.36 The Government has indicated that it will publish details of its plans for transition but in broad terms changes are expected to take effect from 2024, once the Bill has Royal Assent and associated regulations and changes to national policy are in place. The details of proposed changes set out above will be subject to consultation in due course and the Council will have the opportunity to submit representations on the detailed proposals as they come forward.

5.37 Proposals which were set out in the Planning for the Future White Paper for all land to be placed in prescribed categories and linked to automatic ‘in principle’ permission for development in areas identified for development, are not being taken forward.

Building Control

Building Control	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
Applications	2494	2173	1996	2323	1717	2645
Fees	651k	686k	604k	600k	561k	766k
Site visits	6697	6531	6817	6278	5603	6243
Market share	60%	54%	54%	62%	53%	57%
Dangerous Structures	173	128	190	162	159	225
Demolition Notices	24	18	13	29	20	18

5.38 The last year has shown a strong recovery from the preceding years, although the number of applications is high due to a significant number of applications from HfH. In addition to the work that comes through us, we have also had to deal with a number of issues related to private approved inspectors and in particular issues caused by them cancelling their applications and reverting the work back to Haringey Building Control – this causes many problems for us and our residents.

5.39 Dangerous Structures have as always been ever prevalent, with 225 dangerous structures in the year, including a number of significant out of hours call outs where we had to call out our dangerous structure contractor to remove the danger. The proactive work in Crouch End, Muswell Hill and Green Lanes continues and where our approach has been ignored, we are considering further action.

5.40 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 continued its passage through Parliament and has recently received Royal Assent. Now that the Bill has received Royal Assent, there will be significant pieces of secondary legislation published, that will really show the full extent of the Act and what impact it will have on Local Authorities and in particular Building Control. In addition to the Building Safety Act, 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 June this year.

5.41 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. Workload has shown a significant increase, 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 has commenced her studies. 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 Act. The key initial stages will be ensuring that the Service is registered with the Building Safety Regulator and all the surveyors within Building Control will also have to register with and be licensed by 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 (AOD), discharge of conditions, non-material amendments