

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

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

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

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

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

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

**1. Describe the issue under consideration**

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

**2. Recommendations**

The Strategic Planning Committee is recommended:

To note the report.

**3. Reasons for decision**

Not applicable.

**4. Alternative options considered**

This report is for noting and as such no alternative options were considered.

**5. Planning and Building Control 2022/23 Quarter 3 Update**

**Development Management**

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

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

Appendix One explains the categories of applications.

### Performance overview

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

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

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

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

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

5.3 So far in 2022/23 (1<sup>st</sup> April to 31<sup>st</sup> Dec) we have decided the following:

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

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

### Major applications decided over past five years

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

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

5.5 The end to end times and the overall numbers of applications received, approved, and refused over previous years is set out below. Reducing the current backlog may continue to increase end to end times:

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

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

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

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

### Pre-application advice

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

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

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

### Planning Decisions

- 5.12 The final government threshold relates to overturns of refusals (officer and committee) on applications on appeal. We are at 1% on minor / other applications.
- 5.13 For major applications the measure for quality of planning decisions is the percentage of the total number of decisions made that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period.
- 5.14 The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period. The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. The average percentage figure for the assessment period as a whole is used.
- 5.15 The threshold for designation on applications for both major and non-major development, is 10% of the total number of decisions on applications made during the assessment period being overturned at appeal. This is calculated as an average over the assessment period.
- 5.16 The Department for Levelling Up, Housing and Communities has confirmed that we have avoided designation this period (2019-21) achieving a figure of 2.7%.
- 5.17 For the next designation period (2020-22) we do not expect to breach the threshold with the figure currently at 5.7% with no further major appeals pending.
- 5.18 Haringey's performance for 2019/21 and 2020/22 is as follows:

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

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

### Planning Enforcement

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

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

5.22 The Planning Enforcement Team continues to seek prosecutions against owners who have failed to comply with existing enforcement notices. In addition to the prosecution proceedings, there has been a concerted effort in securing confiscation sentences under the provisions of the Proceeds of Crime Act (POCA) 2002. There are a number of prosecutions that are still going through the courts (these take a significant length of time) including a recent POCA that was deferred in November until June 2023.

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

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

### Member Training & Site Visits

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

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

### New system for planning applications

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

## Planning Policy & Infrastructure

### New Local Plan

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

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

5.29 In line with national policy and guidance the New Local Plan must be informed and supported by a relevant and up-to-date evidence base that is adequate and proportionate. The Council is currently in the process of finalising the evidence base to support the Draft Local Plan to include an update to the **Cost of Carbon Study** prepared by Etude et al in 2020 and the completion of an in-house **Tall Buildings Study** which will help inform a definition of tall buildings in a Haringey context as well as appropriate locations within the borough for tall buildings.

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

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

## Other planning policy workstreams

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



## Building Control

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

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

### Dangerous structures

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

### Building Act & Fire Safety

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

### Single staircases in high rise residential buildings

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

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

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

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

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

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

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

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

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

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

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

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

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

#### New system for building control

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

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

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

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

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

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

## **7. Local Government (Access to Information) Act 1985**

Planning Applications are on the Planning Register on the Council's website and the Local Plan documents are also on the Council's website.

## **APPENDIX ONE**

### **Definitions of Categories of Development**

#### **Major Development**

- 10+ dwellings / over half a hectare / building(s) exceeds 1000m<sup>2</sup>
- Office / light industrial - 1000+ m<sup>2</sup> / 1+ hectare
- General industrial - 1000+ m<sup>2</sup> / 1+ hectare
- Retail - 1000+ m<sup>2</sup>/ 1+ hectare
- Gypsy/traveller site - 10+ pitches
- Site area exceeds 1 hectare

#### **Minor Development**

- 1-9 dwellings (unless floorspace exceeds 1000m<sup>2</sup> / under half a hectare)
- Office / light industrial - up to 999 m<sup>2</sup>/ under 1 hectare
- General industrial - up to 999 m<sup>2</sup>/ under 1 Hectare
- Retail - up to 999 m<sup>2</sup>/ under 1 hectare
- Gypsy/traveller site - 0-9 pitches

#### **Other Development**

- Householder applications
- Change of use (no operational development)
- Adverts
- Listed building extensions / alterations
- Listed building demolition
- Application for relevant demolition of an unlisted building within a Conservation Area
- Certificates of Lawfulness (191 and 192)
- Notifications
- Permissions in Principle (PiP) and Technical Detail Consent (TDC)

#### **PS0**

Approval of details (AOD), discharge of conditions, non-material amendments