

Report for: Strategic Planning Committee 20 June 2023

Title: Planning and Building Control 2022/23 Update

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

Lead Officer: Robbie McNaugher, Head of Development Management & Enforcement

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 and Building Control services to March 2023.
- 2. Recommendations**
That this report be noted.
- 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 Update**

Development Management

Performance overview

- 5.1 An overview of performance is as follows. **Appendix One** explains the categories of applications.
- Applications received during 2022/23 (1st April – 31st March): **3,385**
 - Applications received during same period 2022/22: **3,527**
 - Number of cases on-hand end of March 2023: **725** (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 March 2022: **726**
 - Appeals decided during 2022/23 (1st April – 31st March): **97**
 - Appeals decided during same period 2021/22: **100**
 - Appeals dismissed (won) during 22/23 (1st April – 31st March): **75 (77%)**
 - Appeals dismissed (won) during same period 2021/22: **73 (73%)**
 - Cumulative performance (applications in time) 2022/23 (1st April – 31st March)
 - **Majors: 100%**
 - **Minors: 80%**
 - **Others: 87%**
 - **PS1 Only: 87%**
 - **Decisions excluded from statutory figures: 73%**
- 5.2 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 80%. 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
Majors	100%	100%	100%	100%	100%	100%	100%
Minors	88%	98%	98%	94%	95%	90%	80%
Others	90%	98%	98%	96%	97%	91%	87%
PS0/ PS1	86%	89%	90%	91%	91%	91%	87%
Exclude							73%
A.O.D.	68%	69%	86%	90%	91%	88%	79%

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

Note: As of 2022/23 ‘PS1’ and ‘Exclude’ figures are reported separately within the new Arcus system. Prior to that both PS1 and Exclude were reported as a single return under ‘PS0’

- 5.3 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)

5.4 For 2022/23 we have decided the following:

- **16 'Major'** applications (compared to the 15 during the same period last year)
- The average time of decision has increased from 257 to 268 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
No. of Major Apps decided	27	19	20	15	16

Major applications decided over past five years

- **361 'Minor'** applications (compared to the 339 'Minor' applications last year)
- The average decision time has increased from 89 days to 126 days
- **1,204 'Other'** applications (compared to the 1,245 '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)

	Average Days to Decision	Median Days to Decision
Major	268	266
Minor	126	71
Other	93	63
PS1 only	58	56
Exclude	103	69

Average and Median days to decision 22/23

	Average Days to Decision	Median Days to Decision
Major	257	205
Minor	89	56
Other	72	56
PS1 only	48	43
Exclude	78	55

Average and Median days to decision 21/22

5.5 The length of time taken to validate an application is at an average of 35 days, increased from 15 days due to the delays during the transition to the new system.

5.6 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
Received	3574	3094	3308	3375	3385
Approved	2963 (89%)	2576 (89%)	2590 (85%)	2535 (84%)	2533 (88%)
Refused	356 (11%)	314 (11%)	475 (15%)	499 (16%)	333 (12%)
Total decided	3,319	2,890	3,065	3,034	2866

- 5.7 Officer caseloads are at around 63 per officer in Q4 of 2022/23 financial year, which is a decrease from 65 last year.
- 5.8 The number of on hand applications has decreased compared to this time last year. As of the end of April 2023, there were 759 pending valid applications (down from 774 on this time last year). However this figure is still not wholly accurate as the transition to the new system means some applications may not be recorded as live 'on hand' applications. There is also a substantial number of applications not yet validated or registered and the new system allows for greater monitoring of this figure which is currently 201 'new' applications. Giving a total of 960 pending planning applications. This backlog of applications is a concern and has accumulated due to the implementation of the new system and recruitment delays leading to staff shortages. There is now a significant effort to address this and reduce this figure following recent recruitment.
- 5.9 The number of applications over 26 weeks is now at around 313. 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

- 5.10 During 2022/23 there have been:
- 146 pre-application meetings (same period last year: 157) generating a total of £259,486 in income (same period last year: £271,775)
 - 88 householder pre-application meetings (same period last year: 123) generating £34,695 in income compared to (same period last year: £43,525)
- 5.11 The use of Planning Performance Agreements (PPAs) during 2022/23 has generated £638,013 in income, compared to £788,000 last year.
- 5.12 Express householder written advice, fast-track certificate of lawfulness and new fast-track application services have proved popular with customers whilst increasing income for the service. In 2022/23 we have received:
- 40 instances of Express Pre-applications generating a total of £10,964.00.
 - 17 instances of Fast Track Certificate of Lawfulness applications generating a total of £12,992.20.

- 12 instances of Fast Track Householder applications generating a total of £8,472.

Planning Decisions

- 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 (2019-21) achieving a figure of 2.7%.
- 5.18 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.
- 5.19 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	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.
- 5.21 As set out below the government has recently consulted on further performance measures looking more widely at quantitative and qualitative performance. Proposed measures including reducing the Planning Guarantee time from 26 to 16 weeks for non-major applications, measuring average speed of decision making, validation times, use of extensions of time and planning enforcement performance and potentially customer feedback. They have indicated that there

would be grace period to allow the associated increase in planning fee income to enhance performance before these measures will be put in place.

Planning Enforcement

- Enforcement complaints received during 2022/23: 519 compared to the 589 Enforcement complaints received last year.
 - Enforcement notices served during 2022/23: 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.
- 5.22 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. Performance for 2022/23 is 97% compared to 99% last year.
- 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 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.
- 5.24 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 appointed Anthony Fenner to the vacant Deputy Team Manager role and will shortly backfill the vacant post vacated by Anthony.

Member Training & Site Visits

- 5.26 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, Haringey Design Award overall winner the Green House, completed Argent Related developments in Tottenham Hale and The Tottenham Hotspur Stadium. Future training on viability will be provided. Officers are looking at options for future site visits which include; recently completed Council Housing projects including Rosa Luxembourg House and officers would welcome Cllrs' views on other options or priorities.

Responses to Government consultations

5.27 The service has responded to Government consultations as follows:

Consultation	Hyperlink	Start date	End date	Haringey response
Technical Consultation: Stronger performance of Local Planning Authorities supported through an increase in planning fees	www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation/technical-consultation-stronger-performance-of-local-planning-authorities-supported-through-an-increase-in-planning-fees	28 February 2023	25 April 2023	Response submitted on 25 April 2023 – see Appendix Two

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
New Local Plan First Steps Engagement consultation	Reg 18	November 2020-February 2021
Draft Local Plan consultation	Reg 18	Autumn 2023
Proposed Submission Local Plan consultation	Reg 19	Spring 2024
Submission & Examination	Reg 22-25	2024
Adoption	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.

5.30 Two key pieces of evidence have recently been concluded which will help inform the Draft Local Plan. These are:

- **Towards Net Zero Carbon Study** – this was commissioned by Haringey on behalf of 19 London Boroughs, updates the Cost of Carbon Study prepared in 2020, provides robust evidence on available approaches to secure design and construction of zero carbon buildings, and recommends the best policy methods to deliver this.
- **Haringey Tall Buildings Study** – this was prepared in-house and consistent with the requirements of the London Plan it provides a definition of tall buildings in a Haringey context and identifies appropriate locations within the borough for tall buildings.

5.31 Further evidence is currently underway as follows:

- **Affordable Workspace Viability Testing** – a detailed assessment of the viability of affordable workspace in the borough
- **Infrastructure Delivery Plan (IDP)** - a data-led/digitally focused IDP has been commissioned and is scheduled for completion in Autumn 2023. The purpose of the IDP is to 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. It is being prepared in a genuinely collaborative way in partnership with a range of internal and external stakeholders with circa 15 stakeholder interviews completed to date.

5.32 The drafting of the **Draft Local Plan** is currently at an advanced stage with a focus on **embedding placemaking throughout the document**. The current focus of drafting is on placemaking strategies for the borough's neighbourhoods. The Draft Local Plan will break the borough down into circa 10 to 12 neighbourhoods with each of these having a place-specific vision and

objectives and identifying clearly how new development and buildings within the neighbourhood can and should contribute to this.

- 5.33 Approval to consult will be sought from Cabinet later in 2023 with the New Local Plan Member Working Group and Strategic Planning Committee both consulted in advance of this. 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.

Other planning policy workstreams

- 5.34 In April 2023 the **Highgate Neighbourhood Forum (HNF)** applied to Haringey and Camden Councils to be formally re-designated as a neighbourhood forum. Haringey and Camden Councils first approved the designation of the Highgate Neighbourhood Area and the HNF in 2012. Neighbourhood Forum designations expire after 5 years after which a Forum is required to be re-designated. The HNF's designation first expired in 2017 but following a successful re-designation application the HNF was re-designated in 2018. As a further 5 years have elapsed the HNF must now apply to be re-designated again and the HNF has applied to the Council to be formally re-designated as a neighbourhood forum.
- 5.35 The Councils are currently seeking comments on whether the HNF is appropriate to be re-designated. Requirements to be designated are set out in section 61F(5) of the Town and Country Planning Act 1990. Consultation in this regard began on 4 May 2023 and runs until 23 June 2023.
- 5.36 If the application is agreed by the Councils, the Highgate Neighbourhood Forum will be able to make modifications to the adopted Highgate Neighbourhood Plan or prepare a replacement Plan. Camden and Haringey Councils adopted the current Highgate Neighbourhood Plan in 2017.

Responses to Government consultations

5.37 The service has responded to Government consultations as follows:

Consultation	Hyperlink	Start date	End date	Haringey response
Levelling Up & Regeneration Bill: Reforms to national planning policy	www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy	22 December 2022	2 March 2023	Item at Strategic Planning Committee on 20 February 2023 Response submitted on 2 March 2023 – see Appendix Three
National Planning Policy Framework: draft text for consultation	www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy	22 December 2022	2 March 2023	
Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making	www.gov.uk/government/consultations/permitted-development-rights-supporting-temporary-recreational-campsites-renewable-energy-and-film-making-consultation	28 February 2023	25 April 2023	No response
Technical consultation on the Infrastructure Levy	www.gov.uk/government/consultations/technical-consultation-on-the-infrastructure-levy	17 March 2023	9 June 2023	No response
Environmental Outcomes Reports: a new approach to environmental assessment	www.gov.uk/government/consultations/environmental-outcomes-reports-a-new-approach-to-environmental-assessment	17 March 2023	9 June 2023	No response
High Street Rental Auctions	www.gov.uk/government/consultations/high-street-rental-auctions	31 March 2023	23 June 2023	TBC – Regeneration service lead
Introduction of a use class for short term lets and	www.gov.uk/government/consultations/introduction-of-a-use-class-for-short-term-lets	12 April 2023	7 June 2023	No response

associated permitted development rights	<u>lets-and-associated-permitted-development-rights</u>			
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Building Control

Performance Overview

5.38 The applications to date this year are slightly below previous years , 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 whilst lower than last year recovered well in the last quarter and is at the expected/forecast figure.

Building Control	2018/19	2019/20	2020/21	2021/22	2020/23
Applications	1996	2323	1717	2645	2069
Fees	604k	600k	561k	766k	698k
Site visits	6817	6278	5603	6243	5674
Market share	54%	62%	53%	57%	40%
Dangerous Structures	190	162	159	225	204
Demolition Notices	13	29	20	18	22

Dangerous structures

5.39 There have been 204 dangerous structures over 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, 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

5.40 The Government continues to release various consultation documents relating to the Building Safety Act and the secondary legislation that will provide the detailed timescales

5.41 A national survey concluded that a lack of resources to get the job done to the right level of quality meant that often training and development wasn't able to be accessed due to this lack of time. This was exacerbated by the volume of work which was often "overwhelming." Like many employees, respondents said the cost-of-living crisis was impacting their mental health as their pay was failing to keep pace with inflation. A combination of these factors, coupled with higher salaries and more benefits such as cars and private healthcare offered by the private Building Control bodies were causing a crisis in retention which must be addressed if Local Authorities are to meet their responsibilities under the

Building Safety Regulator. Haringey Building Control is about to experience this first hand, as one of our experienced and highly regarded surveyors has decided to take early retirement after 38 years in the team.

- 5.42 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.

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.

Appendices

Appendix One – Definitions of Categories of Development

Appendix Two – Haringey Response to Government consultation: Technical Consultation: Stronger performance of Local Planning Authorities supported through an increase in planning fees

Appendix Three – Haringey Response to Government consultation: National Planning Policy Framework: draft text for consultation & Levelling Up & Regeneration Bill

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)

APPENDIX TWO

Haringey Response to Government consultation:

Technical Consultation: Stronger performance of Local Planning Authorities supported through an increase in planning fees

APPENDIX THREE

Haringey Response to Government consultation:

**Levelling Up & Regeneration Bill: Reforms to national planning policy
& National Planning Policy Framework: draft text for consultation**