

Report for: Strategic Planning Committee 20 June 2024

Title: Planning and Building Control 2023/24 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

Denis Ioannou, Interim 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 2024.
- 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 2023/24 Update**

Development Management & Enforcement

Performance overview

5.1 An overview of performance is as follows. **Appendix One** explains the categories of applications.

- Applications received during 2023/24: **3,347**
- Applications received during same period 2022/23: **3,373**
- Number of valid cases on-hand end of March) 2024: **693**
- Number of valid cases on-hand end of March 2023: **762**
- Appeals decided during 2023/24: **59**
- Appeals decided during same period 2022/23: **106**
- Appeals dismissed (won) during 23/24: **32 (57%)**
- Appeals dismissed (won) during same period 2022/23: **86 (81%)**
- Cumulative performance (applications in time) 2023/24
 - **Majors: 100%**
 - **Minors: 88%**
 - **Others: 88%**
 - **PS1 Only: 98%**
 - **Decisions excluded from statutory figures: 60%**

5.2 As set out above performance is at 100% for 'Majors' applications. Our performance for 'Minor' applications showed a significant improvement on last year, 'Others' performance also improved. Appeal performance has declined but still remains high.

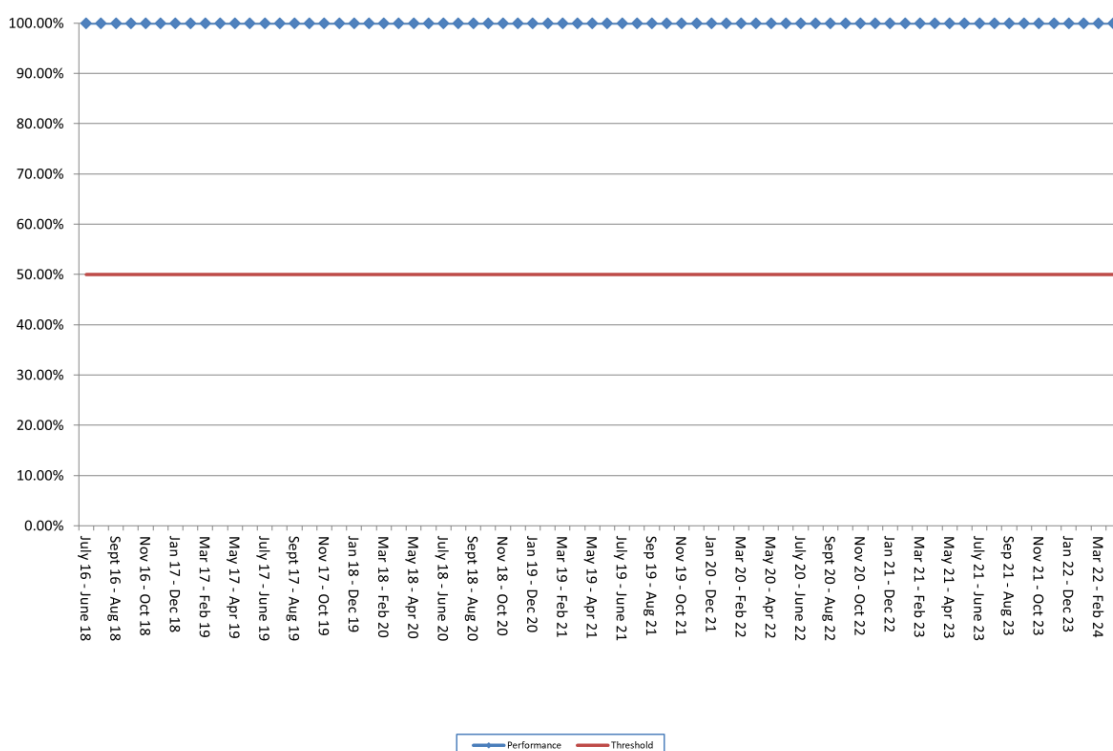
	2019/20	2020/21	2021/22	2022/23	2023/24
Majors	100%	100%	100%	100%	100%
Minors	94%	95%	90%	80%	88%
Others	96%	97%	91%	87%	88%
PS0+ PS1	91%	91%	91%	87%	98% (PS1 only)
PS Exclude				73%	60%

Cumulative Performance. As of Sept 2022/23 'PS1' and 'PS Exclude' figures are reported separately within the new Arcus system. Prior to that both PS1 and PS Exclude were reported as a single return under 'PS0'

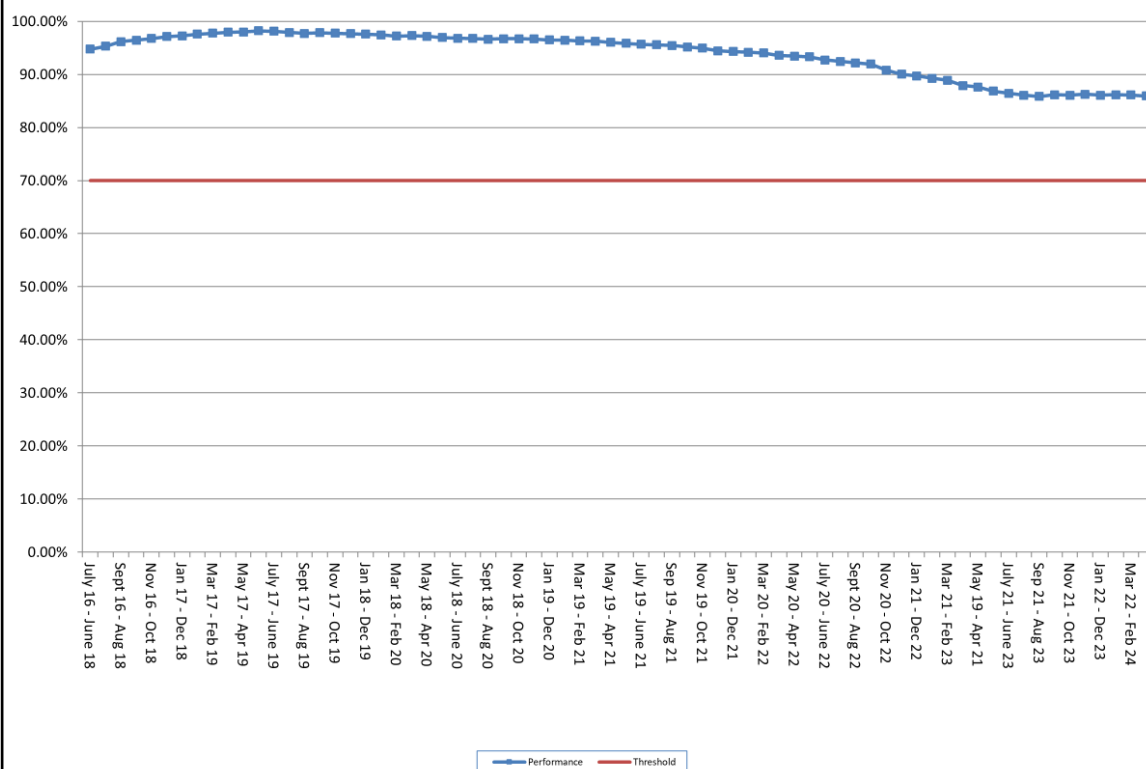
5.3 The Government has three measures of application performance which the Council must remain within thresholds for. If we breach these thresholds we may be designated as a poorly performing planning authority and developers will then have the option of applying directly to the Planning Inspectorate 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):

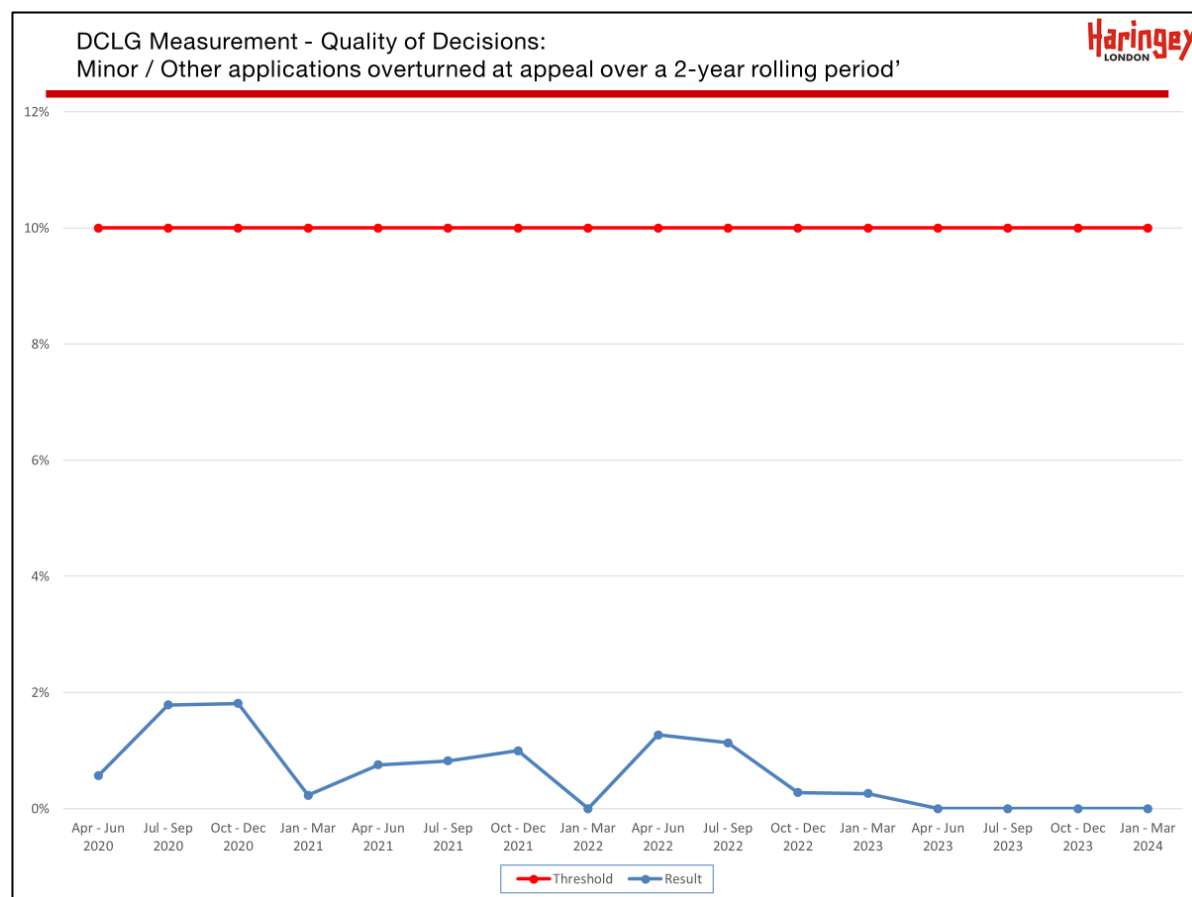
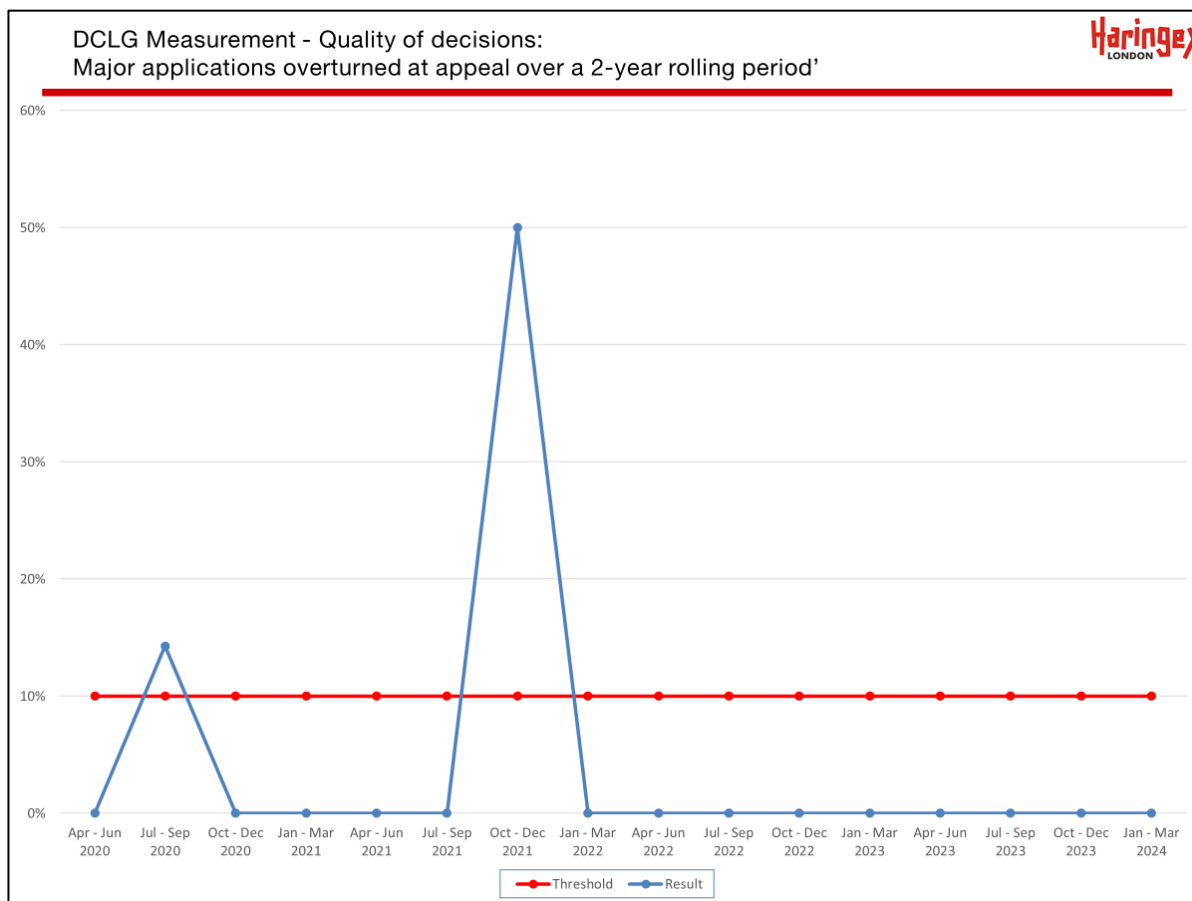
- Major applications performance at least 50%
- Minor and Other applications performance at least 70%
- Appeals lost (below 10% in both categories)

DCLG Measurement - Speed of decisions:
Major applications decided within time over a rolling 2-year period'



DCLG Measurement - Speed of decisions:
Minor / Other applications decided within time over a rolling 2-year period





5.4 For 2023/24 we decided the following:

- **22 ‘Major’** applications (compared to the **16** last year)
- The average time of decision has increased from 268 to 405 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.

	19/20	20/21	21/22	22/23	23/24
Major Apps decided	19	20	15	16	22

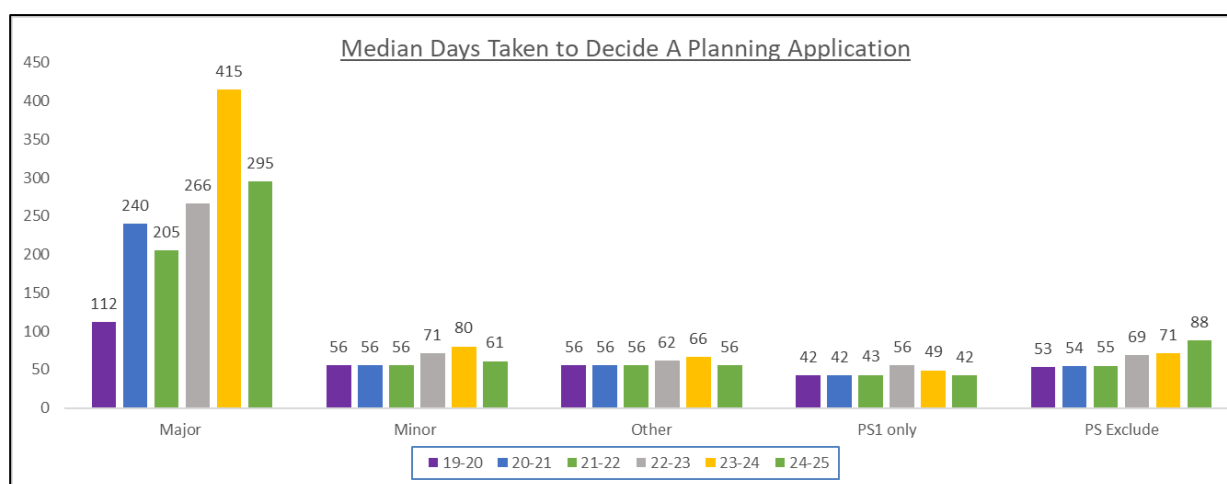
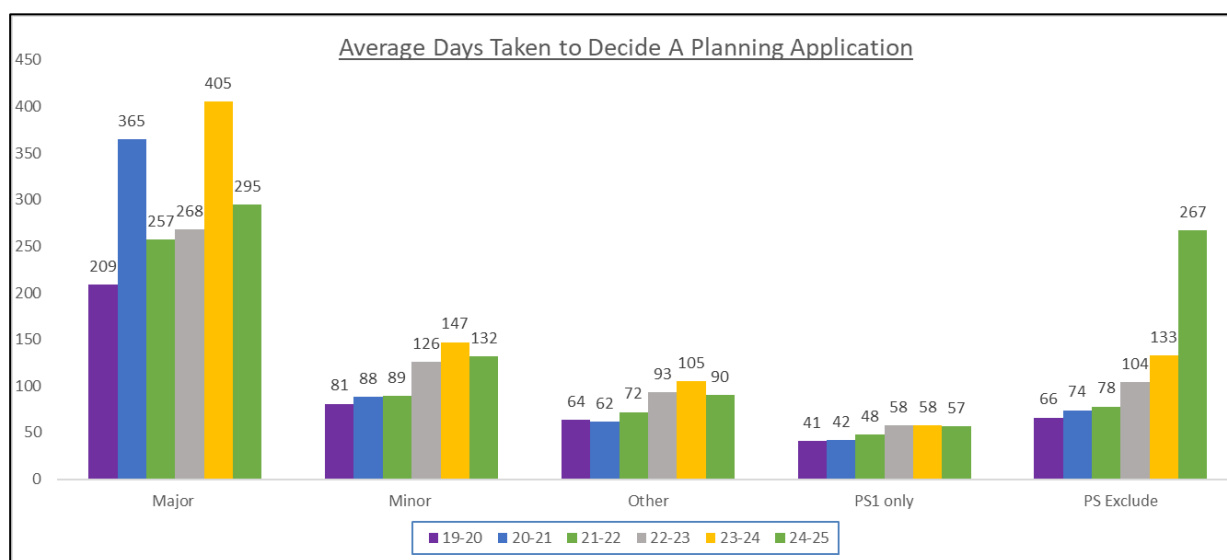
Major applications decided over past five years

- **573 ‘Minor’** applications (compared to the 361 ‘Minor’ applications last year)
- The average decision time has increased from 126 days to 148 days
- **968 ‘Other’** applications (compared to the 1203 ‘Other’ applications last year)
- The average decision time has increased from 93 days to 105 days

- 5.5 The end to end times for different types of applications are set out below. The average times have largely decreased in the current year but 'Excluded' applications average times have increased due to work to clear backlog applications:

Average and Median days to decision 2023/24

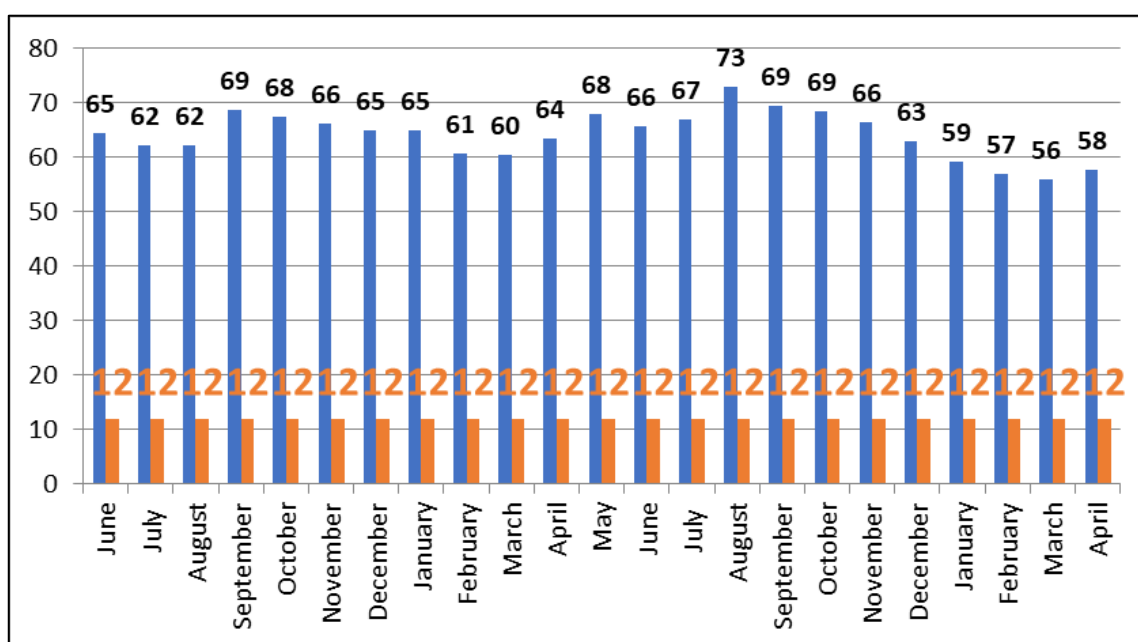
	Average Days to Decision	Median Days to Decision
Major	405	415
Minor	147	80
Other	105	66
PS1 only	58	49
Exclude	133	71



- 5.6 The overall numbers of applications received, approved, and refused over recent years is set out below:

	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
Received	3094	3308	3375	3385	3347
Approved	2576 (89%)	2590 (85%)	2535 (84%)	2533 (88%)	2421 (88%)
Refused	314 (11%)	475 (15%)	499 (16%)	333 (12%)	340 (12%)
Total decided	2,890	3,065	3,034	2866	2761

- 5.7 The length of time taken to validate an application is at an average of 19 days, decreased from 37 days due to faster allocation of applications.
- 5.8 Officer caseloads are at around 56 per officer at the end of 2023/24 financial year, which has decreased from 60 last year due to work to reduce the backlog.



Planning Skills Delivery Fund & Backlog

- 5.9 In July 2023 the Government announced a new 'Planning Skills Delivery Fund' where local planning authorities could bid for up to £100,000 to tackle backlog and skills issues.
- 5.10 The Government announced successful bids on 19 December 2023. Haringey was awarded £75k for tackling the backlog.
- 5.11 The backlog identified 230 planning applications. These consisted of major developments for over 1,000 dwellings, a care home, and over 14,000sqm of commercial floorspace and minor development for just under 100 dwellings and enhancements to over 20 commercial premises.

- 5.12 After some preliminary work in August 2023 the project began in January 2024. Officers have been working additional paid hours to clear the backlog. DLUHC has sought data on progress as of 31 May. The initiative has resulted in over 275 backlog applications being determined to date.
- 5.13 After rising over previous years, the number of on hand applications has now begun to reduce and is less than last year. As of the end of March 2024, there were 671 pending valid applications (down from 725 on this time last year). However, there is a substantial number of applications not yet validated or registered and the new system allows for greater monitoring of this figure which is currently 218 'new' applications, with a further 53 invalid applications awaiting information from applicants. Giving a total of 901 pending planning applications.
- 5.14 The number of applications over 26 weeks at the end of March was 222. This is a decrease from 219 at the end of last year and has reduced to 98 since backlog work finished at the end of May. The majority of these cases are now approval of details applications for major developments requiring detailed discussions with consultees. The work to reduce the backlog has improved the monitoring of these cases and reduced them significantly.
- 5.15 With the introduction of increased planning fees the government has reduced the Planning Guarantee time from 26 to 16 weeks. This was aligned with new fees which came into effect on 8 December 2023 so applications have begun to reach this threshold and are being closely monitored. Currently 24 applications have reached this threshold.
- 5.16 Officers have participated in workshops with other authorities to share good practice regarding tackling backlogs.

Pre-application advice

- 5.17 During 2023/24 there were:
- 146 pre-application meetings (same period last year: 187) generating a total of £285,405 in income (same period last year: £273,049)
 - 79 householder pre-application meetings (same period last year: 88) generating £36,355 in income compared to (same period last year: £36,118)
- 5.18 The use of Planning Performance Agreements (PPAs) generated £760,872 in income, compared to £384,166 last year.
- 5.19 For express householder written advice, fast-track certificate of lawfulness and fast-track application services we received in 2023/24 the following:
- 32 instances of Express Pre-applications generating a total of £10,325.
 - 15 instances of Fast Track Certificate of Lawfulness applications generating a total of £10,201.
 - 13 instances of Fast Track Householder applications generating a total of £10,176.

Planning Decisions

- 5.20 The final government threshold relates to overturns of refusals (officer and committee) of applications on appeal. We are at 1% on minor / other applications.
- 5.21 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.
- 5.22 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.
- 5.23 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.
- 5.24 For the 2024 designation period (2022-24) we will not be designated.
- 5.25 Haringey's performance is as follows:

Type of application	Number of apps	Number of overturns	% (Threshold 10%)
Majors 2022/23	38	0	0%

Planning Enforcement

- Enforcement complaints received during 2023/24: 605 compared to the 532 Enforcement complaints received last year.
 - Enforcement notices served during 2023/24: 51 compared to the 47 Enforcement notices served during the same period last year.
- 5.26 The Enforcement team is listed as 11th in the country for issuing enforcement notices for the year to December 2023 by DLUHC.

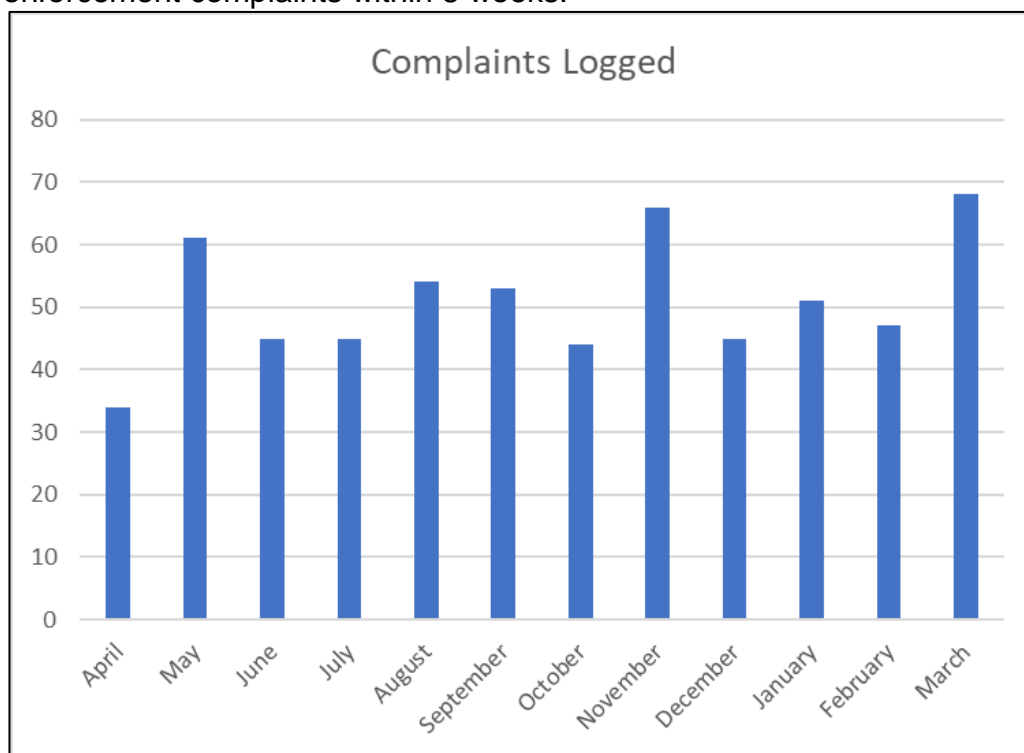
The 51 planning authorities that issued the highest number of enforcement notices in the year to December 2023

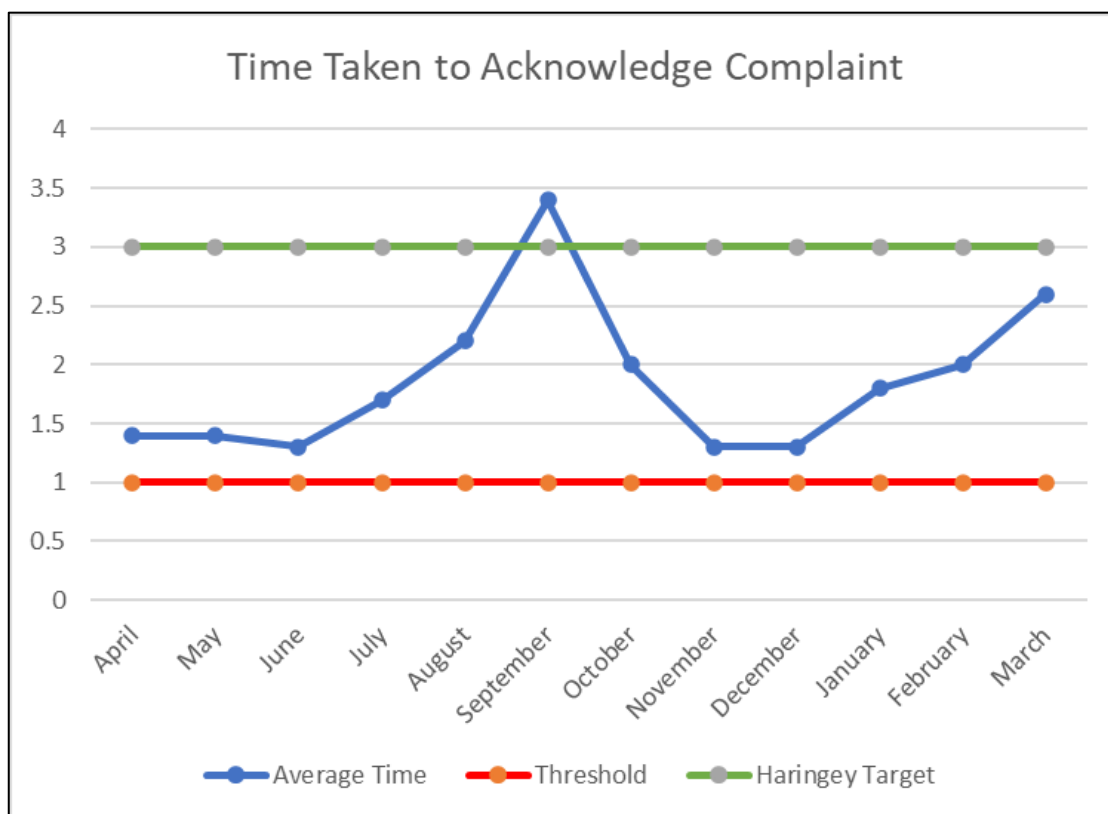
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Rank	Planning authority	Enforcement notices issued
1	Brent	160
2	Westminster	140
3	Newham	111
4	Barnet	107
5	Buckinghamshire	97
6	Ealing	87
7	Cornwall	76
8	Hackney	72
9	Camden	71
10	Bradford	67
11	Haringey	57
12	Slough	56
13	Enfield	54
14	Leeds	52
15	Kirklees	51
16=	Barking and Dagenham	48
16=	Colchester	48
18	Lambeth	47
19	Stockport	46
20	Birmingham	43

5. 27 For 2023/24 complaints were acknowledged within an average of 1.9 days of receipt. The Planning Enforcement Team has a target to make a decision on all enforcement complaints within 8 weeks.





	2022-23	2023-24
Cases received	632	605
Cases decided within 8 weeks	68/176 (39%)	121/258 (47%)
Cases decided not within 8 weeks	28/176 (16%)	14/258 (5%)
Cases with no decision past 8 week target date	80/176 (45%)	123/258 (48%)

- 5.28 The performance has been improved with officers more familiar with the new software and recording actions correctly. There is still some work to be done to ensure all records are up to date but this should steadily improve as time goes on. There is an ongoing issue with high caseloads that has been significantly exacerbated by high numbers of HMO referrals in the past few months. Changes in the Private Sector Housing referrals procedure has meant almost all their applications are now being referred to planning. To put this into context the team received about 54 HMO referrals in 2022/23 for the whole of the year but received roughly the same amount of 53 HMO referrals in just the second month of 2024/25. Officers are working on a process that will help to prioritise HMO cases that should be progressed and to create efficiencies to help reduce officers being overwhelmed by the influx of the cases.
- 5.29 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. A POCA case has recently been concluded and the company

was ordered to pay £226,433 made up of a £50,000 fine for not complying with the enforcement notice, £13,175 in costs, plus a confiscation order under POCA of £163,258 to reflect the financial benefit of breaching the enforcement notice.

- 5.30 Direct action work has also yielded positive results. The team initiated direct action that led to the voluntary partial compliance to demolish a side extension. It also opened the door for the owner to engage positively with planning to address the remaining outstanding issues.
- 5.31 An ongoing BT phone box project has so far resulted in the successful removal of two boxes. Officers are looking to engage further with BT and to open a dialogue about voluntarily removing redundant problem boxes.

Member Training & Site Visits

- 5.32 Members recently received training on viability and refresher training on making decisions, Heritage, Urban Design, Sustainability and Transportation. A site visit took place on Friday 31 May to two Council Housing Developments nearing completion; Walter Tull House and Hale Wharf. The next visit will be on 14 June to Appleby Blue Almshouses (older people's social housing in Southwark), Battersea Power Station and Folk Co-Living in Florence Dock. On 5 July there will be a visit to the Tottenham Hotspur Stadium. Any suggestions are welcome for visits and training.

Government consultation on 'An Accelerated Planning System'

- 5.33 On 6 March 2024 the Government launched a consultation on an 'Accelerated Planning System'¹ covering:
- A new application route with accelerated decision dates for major commercial applications and fee refunds wherever these are not met.
 - Changes in relation to Extensions of Time agreements (EoTs), including a new performance measure for speed of decision-making against statutory time limits, and an end to the use of EoTs for householder applications and repeat agreements for the same application for other types of application.
 - An expansion of the current simplified householder and minor commercial appeal service to more written representation appeals.
 - Detail on the broadening of the ability to vary a planning permission through 'section 73B' applications and on the treatment of overlapping planning permissions.
- 5.34 Officers have been involved in sector / professional body responses to this consultation raising concerns about unintended consequences, such as increasing the number of refusals to meet the proposed performance targets, and a lack of readily-available resources to provide a specific 'accelerated' service.

Digital Planning Improvement Fund

¹ www.gov.uk/government/consultations/an-accelerated-planning-system-consultation

5.35 In March 2023 The Council was awarded £100,000 through the Digital Planning Improvement Fund. So far a digital maturity assessment has been carried out and approved and moving into the second month of this project, we are reviewing whether to allocate funding to improve the service and processes.

Planning Policy & Infrastructure

New Local Plan

- 5.36 Recommendation 4 of the of Planning Service Peer Challenge set out that “A detailed and resourced programme for the production of the new local plan should be produced, with specific project management support, recognising the resources required, the timetable for delivery and confirming the proposed timescales are deliverable.” The report and the Council’s Action Plan in response was approved by Cabinet in March 2024. The action in response to this recommendation was completed in April 2024 and the resultant timetable is set out below:

Document	Regulation	Date
New Local Plan First Steps Engagement consultation	Reg 18	November 2020-February 2021
Draft Local Plan consultation	Reg 18	Winter 2024
Proposed Submission Local Plan consultation	Reg 19	Summer 2025
Submission & Examination	Reg 22-25	Winter 2025
Adoption	Reg 26	Spring 2026

- 5.37 The drafting of the Draft New Local Plan is at an advanced stage with a focus on refining draft site allocations. The Council has recently secured Government funding (see below) to support the process of identifying robust design-led development capacities and carrying out site-specific viability analysis. Further New Local Plan Member Working Group meetings will shortly be programmed for Summer 2024 to enable Strategic Planning Committee members to provide input on emerging site allocations.

London Plan Review

- 5.38 On 19th December 2023 the Government published a Letter ‘Housebuilding in London’ from the Secretary of State to the Mayor of London². This announced a ‘London Plan Review’ group of expert advisers³ which would report to the Secretary of State by 15 January 2024 to consider and make recommendations on specific changes to the London Plan regarding facilitating the delivery of new homes on brownfield sites.
- 5.39 On 13 February 2024 the report of the expert advisers⁴ was published. It states amongst other matters:
- “the London Plan is not the sole source of the problem: wider macro-economic conditions; fire safety; infrastructure constraints; statutory consultees; viability difficulties; and planning resourcing pressures have all contributed”

² www.gov.uk/government/publications/housebuilding-in-london-letter-from-the-secretary-of-state-for-levelling-up-housing-and-communities

³ www.gov.uk/government/publications/housebuilding-in-london-terms-of-reference-london-plan-review/terms-of-reference-london-plan-review-expert-advisers

⁴ www.gov.uk/government/publications/housebuilding-in-london-london-plan-review-report-of-expert-advisers

- “the combined effect of the multiplicity of policies in the London Plan now works to frustrate rather than facilitate the delivery of new homes, not least in creating very real challenges to the viability of schemes”
- “policy goals in the Plan are being incorrectly applied mechanistically as absolute requirements: as ‘musts’ rather than ‘shoulds’”
- “The recommended option is to introduce an overarching policy which... would apply in LPA areas where there has been a cumulative under-supply against the Plan’s ten-year targets” for “a strong presumption in favour of granting planning permission for proposals which comprise or include residential development on Brownfield (Previously developed) land”

5.40 On the same day the Government also published a letter⁵ from the Secretary of State to the Mayor of London ‘London Plan Review’ which referred to the expert group’s report and agreed with the conclusions of the report “that an overarching presumption in favour of housebuilding on brownfield land is the most effective means of cutting through some of the complexity of the existing London Plan”. The letter also referred to the following consultation proposals:

5.41 The Government published a consultation “Strengthening planning policy for brownfield development”⁶ which included the following:

- Changes to the NPPF:
 - Proposed wording “authorities should give significant weight to the benefits of delivering as many homes as possible and take a flexible approach in applying planning policies or guidance relating to daylight and sunlight and internal layouts of development, where they would otherwise inhibit making the most efficient use of a site(as long as the resulting scheme would provide acceptable living standards).”
 - Introducing a “presumption in favour of sustainable development in respect of previously developed land only for those 20 towns and cities subject to the urban uplift, where their Housing Delivery Test score falls to 95% or below”
- Seeking views on whether changes are required to the threshold at which a residential planning application is referable to the Mayor of London, which is currently set at 150 homes or more

5.42 On 18 March 2024 the Government published a press release⁷ and letter⁸ from the Secretary of State to the Mayor of London, directing the Mayor to undertake a review of the London Plan regarding Industrial Land and Opportunity Areas. The Greater London Authority has commenced this review of the London Plan, with an interim report expected in coming months and fully concluding in the Autumn. It should be noted that the results of the ‘review’ may not necessarily result in immediate alterations to the London Plan.

PropTech Innovation Fund (Round 4)

⁵ www.gov.uk/government/publications/housebuilding-in-london-letter-from-the-dluhc-secretary-of-state

⁶ www.gov.uk/government/consultations/strengthening-planning-policy-for-brownfield-development/strengthening-planning-policy-for-brownfield-development

⁷ www.gov.uk/government/news/further-government-interventions-in-london-housing-market

⁸ www.gov.uk/government/publications/housebuilding-in-london-letter-to-the-mayor-of-london-regarding-housing-delivery-in-london

- 5.43 In August 2021 the Department for Levelling Up, Housing and Communities launched a Property Technology (PropTech) Innovation Fund to support the PropTech sector and local authorities to accelerate adoption of technology that will enhance community engagement and deliver a modern planning system.
- 5.44 In December 2023 Haringey submitted a joint bid with the London Borough of Barnet as part of Round 4 of the Innovation Fund. Round 4 was specifically looking to support projects that demonstrate the benefits of how digital solutions can be utilised across either Land Assessment or Digital Citizen Engagement.
- 5.45 In February 2024 the Council was notified that its bid under the Land Assessment theme has been successful and it would be awarded the maximum £225,000 to deliver the project. The project is to partner with PropTech provider VU.CITY to develop, refine and improve the usability of its SiteSolve feature. This is a powerful new tool which enables artificial intelligence assisted site capacity modelling and has the potential to transform the way local authorities work across planning, housing and regeneration.
- 5.46 The Planning Policy Team are required to undertake assessments of the development potential and viability of sites in the Council's New Local Plan. The London Plan places greater expectations on the identification of site capacity with Policy D3 requiring a 'design-led approach', preferably using 3D modelling. In addition, NPPF and Viability Planning Practice Guidance see a stronger role for viability assessment at the plan-making stage. Significant resources are needed to undertake this, and specific expertise is needed.
- 5.47 The funding comprises £120,000 for 2 years of licences, software and IT support, £60,000 for design and related viability support and training, with the remainder for project management and other project support. The project is expected to reduce the Council's costs for making the New Local Plan and significantly speed up the process of identifying site capacities for dozens of proposed site allocations enabling the plan to progress to examination as quickly as possible.

Building Control

Performance Overview

- 5.48 The applications to date this year are slightly below previous years, however our market share has stabilised, although we are concerned that as a result of the new Regulatory regime, it may again come under threat. Building Control has received a significant number of new housing schemes and continue to work on the majority of high schemes within the Borough and will be the go-to Building Control advisor for the Building Safety Regulator.

Building Control	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Applications	1996	2323	1717	2645	2069	1517
Fees	604k	600k	561k	766k	698k	584K
Site visits	6817	6278	5603	6243	5674	3800
Market share	54%	62%	53%	57%	40%	40%
Dangerous Structures	190	162	159	225	204	188
Demolition Notices	13	29	20	18	22	15

Dangerous structures

- 5.49 There have been 188 dangerous structure calls to date this year. It should again 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 & Building Control

- 5.50 The Government continues to release various consultation documents relating to the Building Safety Act and the secondary legislation that will provide the detailed timescales.
- 5.51 The new Building Control regime has now commenced and the register for Building Inspectors is open – Haringey officers are working on being registered by the July 2024 deadline. One officer has achieved the Class 3 competency level required to provide supervision and three other officers are waiting for results. To enable this there is both a significant cost and staff have to prove their competence by exam and/or interview in order to become registered.
- 5.52 As previously advised there are ongoing risks associated with the new regime, namely; 1. Surveyors failing to prove their competency and register with the Building Safety Regulator, 2. Surveyors not wanting to undertake the exams to prove competency, and 3. Losing staff to other Building Control Bodies. 4. Lack of clarity from the BSR with regards to supervision and key performance indicators.

- 5.53 The risks outlined above could lead to Haringey not being able to fulfil that statutory function to provide a Building Control Service.
- 5.54 In addition to the concerns over registration, 4 members of the team have retired recently, including the Head of Building Control. We are working to recruit to these posts as quickly as possible and now have an Interim Head of Building Control in place.
- 5.55 We are at present working to get the job profiles re-evaluated in order that they reflect the revised roles and responsibilities, whilst at the same time trying to recruit agency surveyors to resolve the immediate problem.

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 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 / demolition
- Application for relevant demolition of an unlisted building within a Conservation Area
- Certificates of Lawfulness (191 and 192)
- Prior Notifications
- Permissions in Principle (PiP) and Technical Detail Consent (TDC)