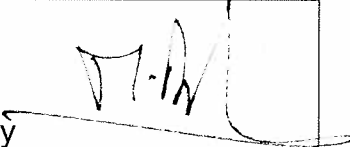




Haringey Council

Report for:	Regulatory Committee	Item number	
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Title:	HOW THE PLANNING APPLICATION PROCESS WORKS : (including stages / timescales and what policies / assessments are made)
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Report authorised by :	Marc Dorfman Assistant Director Planning Regeneration & Economy	
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Lead Officer:	Paul Smith Ext: 5507
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Ward(s) affected: N/A	Report for Key/Non Key Decision: N/A
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1. Describe the issue under consideration

This report provides information on how the planning application process works once an application is received particularly centred on showing how an application is assessed, the timescales and the manner in which a decision is made in the context of National and local planning policy.

2. Recommendations

That the regulatory Committee consider discuss the information contained therein

3. Background information

The Members of the Planning Committee requested a report be presented to Regulatory Committee to address the way in which planning applications where dealt

with by Planning Officers once they had been received by the planning service to provide Members with an insight in relation to the timescales and stages of the process from receipt to decision and most importantly how applications are assessed in relation to planning policy and how planning policies are used in that process.

5. Comments of the Head of Legal Services and Legal Implications

5.1 There are no specific legal implications arising from this report.

6. Comments of the Chief Financial Officer and Financial Implications

6.1 There are no financial implications.

7. Equalities and Community Cohesion Comments

7.1 The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who those characteristics and people who do not.

7.2 Policy and Equalities Team have been consulted in the preparation of this report and they comment that the proposals outlined in this report carry no apparent implications for the any aspect of duty outlined above.

1. Introduction

- 1.1 The planning process exists to regulate the use of land and buildings. An application for planning permission is required to be made for the erection of a building or extension or a material change of use of land or for any other form of development which falls within the definition of development. It is also necessary to make applications for other types of development such as for Listed Building Consent and Conservation Area Consent, Advertisement Consent and other forms of development such as telecommunication installations which do not fall within permitted development or prior approval categories. It should be noted that there are many types of development which can be carried out without express consent by virtue of falling within the definition of permitted development as set out in the Town and Country Planning General Permitted Development Order 1995 (see example in Appendix 11)

2. National Planning Policy Framework

- 2.1 The purpose of planning is to help achieve sustainable development.
- 2.3 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.
- 2.4 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. Planning policies and decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.
- 2.5 The presumption in favour of sustainable development Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.6 This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
- 2.7 The National Planning Policy Framework constitutes guidance for Local Planning Authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

2.7.1 Regional Planning Policies

2.7.2 The London Plan 2011 (Published 22 July 2011)

2.7.3 Following consultation in 2008, the Mayor decided to create a replacement Plan rather than amend the previous London Plan. Public consultation on the Draft London Plan took place until January 2010 and its Examination in Public closed on 8 December 2010. The panel report was published by the Mayor on 3rd May 2011. The final report was published on 22nd July 2011. The London Plan (July 2011) is now the adopted regional plan.

2.7.4 Local Planning Policies

2.7.5 Haringey Unitary Development Plan (Adopted 2006)

2.7.6 Haringey Supplementary Planning Guidance and Documents

2.7.7 Haringey Local Development Framework – Draft Local Plan and Proposals Map (Published for Consultation May 2010; Submitted for Examination March 2011)

2.7.8 Haringey's draft Local Plan: Strategic Policies (formerly Core Strategy) was submitted to the Secretary of State in March 2011 for Examination in Public (EiP). The first session of EiP hearings ran from 28th June 2011 until 7th July 2011. Following discussions at these hearings, the Council carried out an additional consultation on fundamental changes to the Core Strategy in Sept-Nov 2011. The outcomes of which resulted in an additional hearing on 22nd February 2012.

2.7.9 In response to the National Planning Policy Framework (NPPF) (27th March 2012) and the Planning Policy for Traveller Sites (PPTS) (6th April 2012), the Council are undertaking a borough-wide consultation seeking comments on the implications of the NPPF and the PPTS on Haringey's Local Plan. This consultation will take place from 27th April - 13th June 2012. Following this the Inspector will indicate when the Council should expect to receive the final report. As a matter of law, some weight should be attached to the Local Plan: Strategic Policies, which is still under examination, however they cannot in themselves override Haringey's Unitary Development Plan (2006) unless material considerations indicate otherwise. (for LDF Framework Diagram see appendix 11)

2.7.10 Haringey Draft Development Management Policies (Published for Consultation May 2010)

2.7.11 The consultation draft of the Development Management DPD (DM DPD) was issued in May 2010 following the responses received. The proposed submission draft is expected to be ready for public consultation in early 2013. The DM DPD is at an earlier stage than the Core Strategy and therefore can only be accorded limited weight at this point in time.

3. Meaning of “development”

3.1 Development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Any works or changes of use which fall within this definition require an application for planning permission to be made to the Local Planning Authority.

3.2 Planning Applications process stages

1. Pre-application advice including reference to the Haringey Design Panel for their comments and the applicants pre-application consultation for key sites
2. Submission of application for planning permission
3. Consultation and Assessment
4. Report and Recommendations
5. Decision (Delegated/Committee and Decision Notice)
6. If Refused Appeal to Planning Inspectorate

3.3 Time Scales

3.4 Central Government has set timescales for Local Planning Authorities to make decisions on planning applications before an applicant can choose to appeal and have the application determined by the Planning Inspectorate

- Less than 8 weeks – Minor and other applications
- Less than 13 weeks – Major applications
- Less than 16 weeks – Major applications with an Environmental Impact Assessment (EIA)

Planning Application Time Line

WK 0	Calender Days	WorkingDays	Activity
Wk 1	7	5	Validation/registration
Wk 2	14	10	Consult (21 days)
WK 3	21	15	Initial Assessment
Wk 4	28	20	Site visit/Negotiations
Wk 5	35	25	
Wk 6	42	30	Assessment/Write report
Wk 7	49	35	List for decision
Wk 8	56	40	Decision Notice

3.5 ASSESSMENT OF A PLANNING APPLICATION

3.5.1 Receipt of the application

3.5.2 When an application is submitted it includes a description of the proposed development, drawings showing the proposal and appropriate supporting documents eg a design and access statement. The application is then assessed to see if it is valid. This means it is considered against a check list (Appendix 9) of requirements to confirm that it contains enough information to ensure that the application can be understood and that a decision can be made in relation to the application.

3.5.3 If the application has been assessed as valid it will be registered and the application process will start at this point. The length of time an application takes to deal with is determined from this date. If the application is not considered valid then the applicant will be contacted and asked to provide the missing information which if received will lead to its validation and registration at that point in time. The time taken for determination would then start from this point. In relation to applications made in outline form the Council has 28 days from the date of submission to ask for the application to be submitted as full application.

3.5.4 Once the application is registered internal and external consultations are carried out (see check list Appendix 10). Local residents Ward Councillors and Amenity Groups and Statutory Consultees are consulted and asked for their views. Any responses received are attached to the electronic file and taken into account in the assessment of the application before a decision is made. The comments are normally referred to in the officers report either specifically or as part of the assessment of the issue or issues raised. In the case of the Committee Report on cases decided by Committee where the comments and the officers responses to them are included as an Appendix to the report.

4. ASSESSMENT BY THE CASE OFFICER

4.1 First receipt of the case

4.2 Upon receipt of each case there is an initial assessment by the case officer. The officer will check the application type of application eg Householder, Change of use, Certificate of Lawfulness Advertisement Consent, Listed Building Consent, the description of the development proposed and become familiar with all the elements of the proposal. The officer will check to see if the consultations carried out relate to the development and check that the drawings and the description of the development accurately relate to one another. The description of development and the drawings are the basis on which any decision is made and the basis on which the development will be judged if approved and carried out.

4.3 The officer will check and assess the planning history of the site. The Planning History describes what previous planning permissions / refusals there might have been at the property. Previous decisions are a material consideration which must be taken into account in dealing with any particular planning application and can

also be important if the application is for a revised proposal following an earlier refusal. Previous appeal decisions by the planning inspectorate are also very important in relation to subsequent planning applications.

4.4 The officer will identify the relevant planning policies, national and local and check the planning constraints applicable to the site, normally geographical eg Conservation Area or designatory e.g Listed Building.

5. Site Visit

5.1 The officer will visit the site to gain familiarity with the site and its surroundings, understand the topography and relationship with adjoining properties, take photographs, take notes, check the consultations and consider any consultation comments already received or consider on what basis comments may be received

6. Main Assessment, Report and Recommendation

- The officer will assess the proposal on its merits on the basis of ALL the information gathered including the description of development, drawings, submitted documents and photos, planning policy and planning constraints, information from the site visit, consultation responses.
- Officer will assess the design use and impact of the proposal against planning policy taking into account consultation comments
- Consultation comments must be relevant in relation to material planning consideration and responses from statutory consultees are very important.
- Officer makes recommendation to refuse with reasons for refusal or recommendation to approve subject to conditions and s106 agreements if appropriate
- A decision will be made under delegated powers or by Planning Sub-Committee

7. House Holder Case Example (Flow chart Appendix 1)

7.1 It should be noted that householder applications for extensions are for those extensions for which exceeds the permitted development criteria and therefore would not require planning permission. In relation to a Householder application for an extension the issues to be taken into account.

- the appearance of the proposed extension in relation to the existing design of the house
- the impact of the bulk and massing and design of the extension in combination with the existing house on the appearance of the street
- the impact of the extension on the amenity of the adjoining properties,
- Significant loss of light (daylight or sunlight)

- Significant of privacy / overlooking ,
- Significant of outlook / visual intrusion.

7.2 In this case the report has to assess the impact of the bulk, size and design of the proposed extension and discuss each aspect of the case.

- Is the extension too high or too close to the boundary or out of character with the area?
- Are there any windows in the adjoining house which will lose light or outlook?
- Will the extension result in significant overlooking the neighbours garden?
- How will the extension look in relation to the existing house?
- What does planning policy say about this type of development?
- How does the development relate to planning policy and any decision making criteria contained in the policy?

7.3 Each assessment is guided by reference to the appropriate individual local planning policies. In this case these are Haringey Unitary Plan Development (UDP) Policies UD 3 General Principles, UD4 Quality Design and Haringey Supplementary Planning Guidance (SPG) 1 a and Haringey Housing Supplementary Planning Document (SPD) adopted 2008 .

7.4 In the planning process each decision must be made on its merits and in planning terms each assessment is unique to each individual proposal. This means that each case is individually assessed on the individual circumstances of the case in the context of the guidance given in the relevant planning policies.

7.5 Normally in relation to house holder applications the extension should be subordinate to the original house not project beyond a certain stated depth and if beyond that depth not result in undue harm in relation to the amenities of the adjoining occupiers as a result of say loss of light or visual intrusion. (see copy of delegated report in appendix 8)

7.6 **Change of use from retail (A1) to restaurant (A 3) or Public House (A4) or Take away (A5) Example. (Flow chart Appendix 5)**

7.7 The change of use of a shop to a restaurant is a material change of use which requires planning permission. The application is submitted in the normal manner. The issues are normally the effect of the change on the vitality and viability of the shopping area in which the property is located. Planning policy seeks to maintain a balance between retail and non retail uses particularly in town centres.

7.8 This effect is more significant if the shop is located in a Town Centre rather than it being a local shop not contained within a defined retail area and different planning policies concerning changes of use away from retail apply in these different locations.

7.9 A change of use to a restaurant also involves issues of loss of amenity in relation to adjoining properties and the street in general. Such matters may include :

- noise and
- nuisance and disturbance as a result of the attraction of people
- and vehicles, smells and fumes, litter / refuse storage and collection siting of any proposed extraction system,
- music from within the premises car parking provision and parking stress and level access for wheel chair users.

7.10 If it is decided to recommend that planning permission be granted for the change of use then these matters would normally be controlled by planning conditions attached to the planning permission such as :

- a limit on the hours of use
- a requirement re the provision of sound insulation
- waste storage and collection.
- Normally details of any extraction system are submitted as part of the application.

7.11 The local planning policies applicable are Haringey UDP policies UD3 General Principles, UD7 Waste storage, TCR 1 Development in Town and Local Shopping Centres, TCR3 Protection of Shops in Town Centres, TCR 4 Protection of Local Shops dependant on the shops location.

7.12 Also applicable in relation to the amenity issues are TCR5 Restaurants and Cafes, A4 Drinking Establishments and A5 Hot Food Takeaways. Also relevant is Supplementary

7.13 Planning Guidance Note SPG 6c Restaurants / Hot Food Premises (Use Class A3) : Ventilation and Extraction

8.0 Certificate of Lawfulness – (Flow chart Appendix 3)

8.1 There are two types of Certificate of Lawfulness proposed and existing. The proposed certificate is used to determine whether a particular development would or would not fall within the definition of permitted development and therefore not require planning permission. The existing certificate is use where existing development did not have expressed planning permission when it was carried out and the owner of the site wishes to prove that the development is lawful and immune form enforcement action. This is normally the case if the development has been erected for more than 4 years without challenge or the use has been in existence for than 10 years. This example is based on an application for a Certificate of Lawfulness for an existing Use. In this situation the applicant is seeking to provide sufficient written documentary evidence to prove that a particular use has been in existence for 4 or 10 years dependant upon the type of use and is lawful and therefore immune from enforcement.

8.2 In this type of application the application is assessed and determined on the basis of written evidence submitted by the applicant. The application is not determined in the context of Local Planning Policy. The Council has a protocol for determining such applications which sets out strict guidance as to the basis on which such decisions are made.

8.3 The guidance states that the decision will only be based on seeing original documents and that at least three types of evidence from a stated list of five types

must be submitted. Utility bills provided as evidence are vetted by contacting the company to verify that they are in relation to known accounts held by the company.

8.4 The officer also checks Council Tax records and Planning Enforcement History and Building Control records. Sworn Affidavits submitted in support are also verified with the solicitor who was present and in whose name the document was prepared.

8.5 Local residents are consulted in relation this type of application. Any comments received are taken into account. If there is no evidence that would directly contradict the evidence provided by the applicant and the council has no contradictory evidence of its own and the evidence submitted by the applicant is found to be accurate in relation to the tests referred to above then a Certificate of Lawfulness would normally be granted.

9.0 Advertisement Consent (Flow chart Appendix 2)

9.1 Applications for the display of advertisements are submitted in relation to the Advertisement Regulations. The regulations cover a wide range of advertisements and signs including:

- posters and notices placards
- boards fascia signs
- projecting signs on shop fronts,
- these are the most commonly noticeably dealt with in relation to the planning process, estate agents boards, pole signs and canopy signs flag adverts and traffic signs.

9.2 Many types of advertisement benefit from what is called “ deemed consent “ which means that they don’t require an application to be made to the council for permission for their display. There are 16 types of advertisement which can be displayed subject to strict conditions, size of lettering dimensions etc without application to the Council.

9.3 Where advertisements require consent they are considered and assessed in relation to only two factors visual amenity and highway safety. The effect of advertisements on the visual amenities of the street scene can be considerable especially when an advertisement is illuminated or proposed to be situated in a Conservation Area.

9.4 The impact of the Advertisement on Highway Safety is also very important in order to prevent unnecessary accidents. The transportation Team is normally asked for comments on signs which are thought could affect road safety, particularly at busy road junctions where driver distraction may occur.

9.5 The local Planning policies applicable are Haringey UDP policy UD10 Advertisements and Haringey Supplementary Planning Guidance Note SPG 1a Design Guidance, Haringey SPG 6a Shop front signage and Security and Haringey SPG 6b Advertisements. Where advertisements require consent in Conservation Areas then policies CSV1 Development in Conservation Areas and CSV5 Alterations and Extensions in Conservation Areas also apply.

10. Major Site Mixed Use Development (Flow Chart Appendix 4)

- 10.1 Applications for Major sites are defined as applications for 10 housing units or commercial development over 1000 sq metres. Despite this definition the size and extent of a Major application can vary significantly and be much larger and more significant locally than the minimum threshold described above would suggest. Examples of significant major development in the Borough would include Spurs Stadium site, the former GLS Depot site in Ferry Lane which comprises amongst other things up to 1200 units of accommodation and Haringey Heartlands in Wood Green.
- 10.2 The process of receiving assessing and determining such applications is the same as for all the other planning applications received by the Council. However, the timescale for dealing with such an application is longer and has been set at 13 weeks instead of 8 weeks for all the other applications received. In relation to major cases particularly the larger ones it may be necessary to refer the details of the application to the department of Communities and Local Government and the London Mayor who have in certain instances a power of direction in relation to any decision made by the Council. In relation to larger major cases there are normally discussions with the mayor about the application and its compliance with the London Plan prior to submission or during the process of determining the application.
- 10.3 Other differences are the range of submitted documents accompanying the application is much greater covering a wide range of issues in separate documents dealing with single specialist issues such as transportation , urban design and Conservation ,Nature Conservation Sustainable design and Construction.
- 10.4 Some proposals require the submission of an Environmental Impact Assessment which separately looks at the many impacts a large development can have on its locality in terms of air quality, traffic congestion, public transport, nature conservation, flooding, sustainability etc
- 10.5 Major applications are now commonly accompanied by Viability Assessments particularly in relation to negotiations concerning Section 106 agreements. The viability assessment is used to help determine the extent to which a particular development can contribute to local requirements such as a contribution to affordable housing , education, local public transport improvements.
- 10.6 Large applications are often submitted as Outline applications where planning matters related to the application are reserved for consideration in the future, such as detailed design. Normally in these situations the application is still accompanied by supporting documents very similar in nature to the documents received in relation to full applications.
- 10.7 Outline applications normally also include parameter plans which set the general layout of the site, the road layout and footprint of individual blocks of development and the maximum storey heights proposed. Illustrative plans and photographs and 3D illustrations and photomontages may also be submitted to illustrate the design

concept and materials that might eventually be proposed to aid consideration and decision making. These documents do not form a part of any approval and remain outside the decision.

- 10.8 Larger major applications would normally be submitted in the context of an adopted planning brief or Master Plan for the site which has as part of its adoption already been consulted upon with local residents and adopted subsequently by the Council as a guide as to how it is expected that the land will be developed in the future .It is normal for an application to be submitted in the context of the brief or plan.
- 10.9 It is also normal as it with all major applications for there to have been pre application discussions between Council Officers and the applicants and it is also normal for there to have been Public exhibitions and presentations by the applicants prior to submission to help explain discuss and modify the proposed application before submission. The application is also likely to have been presented to the Haringey Design Panel for comment and feedback on Design issues prior to submission.
- 10.10 Upon receipt the application is validated in the normal way to the usual timetable. Consultation letters are sent out to local residents and any nearby adjoining Borough. A Development Management Forum is arranged . Consultation with a wide range of statutory consultees takes place. The London Mayor / GLA and If appropriate DCLG are consulted . These bodies can have powers of direction / call in over any decision proposed to be made by the Council. Any decision on a planning application can also be the subject of Judicial review.
- 10.11 A large application has to be assessed in the context of a wide range of National and Local Planning Policy and supplementary planning guidance and emerging planning policy which may not have reached a stage where it can be given any significant weight in the decision making process.
- 10.12 A Major application is assessed in relation to the National planning Policy Framework (NPPF) the Mayors London Plan, the Haringey Unitary Development Plan and the emerging Haringey Local Plan together with many other planning policy documents both adopted and emerging such as the Development Management Development Plan Document (DPD). An example list of planning policy is shown in Appendix 7
- 10.13 A Major application, particularly a large one is also assessed in relation to a significant range of individual planning issues. Sometimes it is necessary to reconcile conflicting policies and issues and this is done on its merits within the body of the assessment section of the report based on a clear and careful discussion of the issues in relation to planning policy, evidence of the effects and other material conditions. Issues referred to in the report might be principle of the use, employment provision, urban design ,sustainable design and construction traffic and parking and public transport provision An example of an assessment section is attached as Appendix 6
- 10.14 A major application is normally submitted in the context of the requirement to negotiate and agree a section 106 agreement. In the current economic climate this is often negotiated in the context of a Viability Assessment which sets out the amount it is considered the development can afford to contribute to local

infrastructure and still be able to proceed in financial terms. Viability Assessments on large schemes are normally assessed independently by a neutral professional outside expert but this does not always have to be the case if there is sufficient internal expertise.

- 10.15 During the course of the application process negotiations take place to first establish what planning matters should be included in the agreement and secondly what that contribution should be. The outcome of the discussions and the broad agreement reached is then reported to Committee in the Committee Report for the Committee to decide as part of its decision as to whether or not to grant planning permission subject to the agreement. If the agreement is subsequently changed it is normal for a variation to be sought normally to be reported back to the Committee to be agreed.
- 10.16 Most Major applications are now subject to the Mayoral Community Infrastructure Levy (CIL) and will soon be the subject of the Haringey Local CIL which will commence in the near future.
- 10.17 All Major cases are assessed in relation to responses to public consultation the responses are reported in detail in the report to the Planning Sub Committee and a detailed response is set in a consultation appendix to the Committee report. An example is attached as Appendix 14
- 10.18 All applications are assessed in relation to their effects in relation to equalities as defined in Section 149 of the Equalities Act 2010. Major applications may be the subject of a separate or independent Equalities Assessment which is normally reported to Planning Sub Committee for consideration as part of the officers report to Committee.
The officers report will also put forward a list of planning conditions as part of the recommendation any planning permission granted would be subject to these conditions being complied with, particularly the pre commencement conditions which must be complied with prior the commencement of the development.

11. **Re: Consultation on Amendments**

- 11.1.1 If the proposals are changed significantly as result of negotiation then it is normal to re consult the neighbours and seek their comments on the changes .The additional comments are attached electronically to the case and are referred to in the report before a decision is made. Non material amendments normally arise after a decision to grant planning permission has been made and are dealt with under a separate process at the time they arise which involves the submission of details and separate decision being made.
- 11.2 **Decision**
The finished report which contains a recommendation to approve or refuse is considered by the Head of Development Management or is reported to the Planning Sub – Committee for decision.