

NOTICE OF MEETING

HOUSING, PLANNING AND DEVELOPMENT SCRUTINY PANEL

**Thursday, 26th September, 2024, 6.30 pm - George Meehan House,
294 High Road, Wood Green, N22 8JZ (watch the live meeting [here](#)
watch the recording [here](#))**

Councillors: Alexandra Worrell (Chair), Tammy Hymas, Dawn Barnes,
Khaled Moyeed, Harrison-Mullane, John Bevan and Isodoris Diakides

Quorum: 3

1. FILMING AT MEETINGS

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The chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE

3. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business (late items will be considered under the agenda item where they appear. New items will be dealt with as noted below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

5. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

To consider any requests received in accordance with Part 4, Section B, Paragraph 29 of the Council's Constitution.

6. MINUTES (PAGES 1 - 16)

To approve the minutes of the previous meeting.

7. HOUSING STRATEGY AND POLICIES PROGRAMME (PAGES 17 - 24)

8. HRA CAPITAL GOVERNANCE (PAGES 25 - 32)

9. PLACEMAKING PROGRAMMES AND FUNDING (PAGES 33 - 46)

10. RESPONSE TO OMBUDSMAN COMPLAINT REFERENCE 23 016 137 (HARINGEY REFERENCE LBH/14192823) IN RELATION TO PLANNING APPLICATION HGY/2022/4537 (PAGES 47 - 60)

11. NEW ITEMS OF URGENT BUSINESS

To consider any items admitted at item 3 above.

12. DATES OF FUTURE MEETINGS

- 5th October
- 16th December
- 6th March

Philip Slawther, Principal Scrutiny Officer

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Fiona Alderman

Head of Legal & Governance (Monitoring Officer)

George Meehan House, 294 High Road, Wood Green, N22 8JZ

Wednesday, 18 September 2024

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**MINUTES OF THE MEETING Housing, Planning and
Development Scrutiny Panel HELD ON Tuesday, 30th July, 2024,
6.30 pm**

PRESENT:

**Councillors: Alexandra Worrell (Chair), Tammy Hymas, Dawn Barnes,
Khaled Moyeed, John Bevan and Diakides**

170. FILMING AT MEETINGS

The Chair referred Members present to agenda Item 1 as shown on the agenda in respect of filming at this meeting, and Members noted the information contained therein'.

171. APOLOGIES FOR ABSENCE

Apologies for absence were recorded for Cllr Harrison Mullane.

172. URGENT BUSINESS

The Chair informed Members of a change to the order of the agenda. Agenda Item 8 would be brought forward so that it was considered immediately after the minutes. The minutes reflect the order in which items were discussed, rather than the order of the published agenda.

173. DECLARATIONS OF INTEREST

There were no declarations of interest.

174. DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS

The Panel received a deputation on behalf of Haringey Defend Council Housing. The deputation was in relation to Agenda Item 9, Fire Safety Action Plan. The deputation was introduced by Paul Burnham and Michael Hodges. The key points put forward in the deputation are summarised below:

- The deputation party set out that they were shocked that all 80 council housing blocks above 5 stories had life critical fire safety defects. This was broken down to 46 blocks with combustible external panels and 80 blocks with defective fire safety doors and compartmentation defects.
- The deputation party contended that this had not been reported candidly to residents or councillors.
- Mr Burnham advised that he resided in Newbury House, which had 15 floors, a single staircase, and defective fire doors. The block has a tolerable risk of fire,

which effectively meant that no expenditure was necessary. The building also had six vertical ribbons of combustible composite panelling on the exterior walls. In an email exchange with Mr Burnham, officers had advised that the cladding on Haringey buildings was not comparable with the whole façade cladding at Grenfell. Mr Burnham referred to press article that the officer had sent to him that suggested that limited cladding was safe.

- In an email exchange with Mr Burnham, officers had advised that Council policy was that combustible panels should be replaced on the normal timescales for window replacement programmes. The industry standard for this, it was suggested, was 30 years. The deputation party commented that they believed that this was completely wrong.
- The deputation party drew Members attention to the window safety test for Newbury House, which said that; a fire could spread over the balconies of any of the 85 properties to ignite window panels. It was alleged that the report also highlighted that the vertical panels could aid the rapid spread of fire internally and externally. Mr Burnham suggested that therefore, the design did not need to be exactly the same as Grenfell to be a serious fire hazard.
- It was suggested that the tower block was already a high risk building, with multiple sources of ignition and with complex and highly fallible management systems.
- Mr Burnham set out that in addition to the risk of fire spreading through the external panelling, he would characterise the Council as having; cost-cutting policies in place, having defective fire risk assessments, outsourcing inspections, and having complacent management. He suggested that these were all the elements required for a major fire disaster.
- The deputation party advised that the government policy was that all combustible materials should be removed urgently from the external walls of tall buildings.
- The deputation party recommended that the Panel should refer back the Fire Safety Action Plan report on the agenda, as it did not mention life critical safety faults.

The following arose in discussion of the deputation:

- a. The Panel sought clarification from the deputation party about what they were asking the Council to do. In response, Mr Burnham commented that he would like the Council to be open and honest about the level of risk, to undertake the remediation work required in the blocks, and to explain what remediation work had been undertaken since Grenfell. The deputation party suggested that the Panel might want to do a dedicated piece of scrutiny work on this and that the Council should be lobbying central government to provide additional funding for council homes.
- b. The Panel sought clarification around the deputation party's concerns about use of sub-contractors to carry out fire safety risk assessment. Members commented that that this was a widespread practice in the industry. In response, Mr Burnham acknowledged that use of sub-contractors was rife in the industry and his concerns were that sub-contractors were being used as part of a cost-cutting agenda. The assertion was that the Council had contracted a company to carry out fire safety inspections and that that company had then sub-contracted it out to a smaller company for a lower fee. Mr Burnham advised that he had been on the website of the sub-contractor in

- question, who were not appointed by Cabinet, and their website advertised success stories where they lauded their own ability to reduce clients' costs arising from fire safety inspections.
- c. The Chair asked the deputation party to clarify the point about their disagreement with the assertion that the fire would not have happened at Grenfell before its refurbishment. In response, the deputation party set out that Grenfell was a failure of multiple systems; how the cladding was marketed, lack of building control, failure of fire service management, and governance failures. It was commented that the tower blocks were complex and that there was 14 different monthly safety inspections carried out on Newbury House alone. Mr Burnham advised that they were worried that the combustible panels could contribute to the spread of fire. It was suggested that this was a risk, and that he was concerned that the Council was not taking that risk sufficiently serious enough.
 - d. The Panel summarised the deputation party's ask as a) being open and transparent, b) work out what remediation work needed to be completed, and c) lobby the government for additional funding. It was suggested that the first and the third of these didn't cost any money and could be implemented quite easily. The Panel asked whether the deputation party accepted that ultimately there just wasn't sufficient money available to do everything in the timescales that they were asking. In response, Mr Burnham replied that he did not accept that there wasn't enough money available and that it was beholden on the Council to ask government the question. It was commented that there was £37m in the HRA Capital budget and that the deputation party had no way of know how this was spent, and the extent to which some of this could be reallocated to fire safety.
 - e. In response to a follow-up, Mr Burnham commented that a change of government policy re additional funding for council homes was essential and that since the change of government, the LGA, housing associations and the Chartered Institute of Social Housing had written a letter to the government asking for additional funding, which had been supported by 20 local authorities.
 - f. In response to a question, the deputation party advised that very often there was a need for comprehensive replacement, of say fire doors, as this was often more cost effective. The deputation party also raised concerns about a historical legal case where the Council had asked for evidence that the fire doors supplied by a contractor were compliant with the necessary regulations.

The Chair thanked the deputation party for speaking to the panel and for answering Member's questions.

175. MINUTES

RESOLVED

That the minutes of the meeting on 13th March were agreed as a correct record.

176. FIRE SAFETY ACTION PLAN

The Panel received a report which provided an update on the progress to date in implementing Haringey's Fire Safety action plan. The report was introduced by Scott Kay, Head of Residential Building Services, as set out in the agenda pack at pages 39-48. Cllr Sarah Williams, Cabinet Member for Housing and Planning was also present for this agenda Item. The following arose during the discussion of this report:

- a. The Cabinet Member set out making sure residents were safe was of paramount importance to the administration. The Panel was advised that the Council had spent £11m on electrical surveys, £20m on fire door replacement, and £4m on smaller fire actions. The Cabinet Member also set out that the Council had completed a programme of high risk structural surveys and had begun undertaking other appraisals, such as in walls.
- b. The Chair sought assurances from officers about the deputation party's assertion that nearly all of Haringey's high rise blocks had combustible cladding and questioned why that information had not been presented to the panel in the report. In response, officers set out that the authority was required to provide all of the information on our buildings to Social Housing Regulator, particularly in regard to building safety. Assurances were given that the Council was developing a new asset management programme, one strand of which was around fire safety. Officers advised that information on the fire spandrel panels had been shared with the regulator and the fire brigade. Monthly meetings with the Borough Fire Commander also took place to review serious fire incidents and to look at emerging areas of risk.
- c. The Panel noted that Stellar House had an evacuation plan and questioned how it was determined that a building should have an evacuation plan versus and stay put plan. In response, officers advised that all high-rise blocks had a stay-put plan, unless there were specific circumstances that required an evacuation plan. The rationale behind an evacuation versus and stay-put plan was determined by the building's characteristics. In most cases a stay-put plan was considered more appropriate in order to allow the fire brigade to access the building, without having to deal with hundreds of people trying to evacuate the building via the staircase. Instead, each compartment of a high-rise building should be fire resistant for 30 minutes to allow the fire brigade time to attend and deal with the fire. Stellar House had been changed from a stay-put strategy to an evacuation policy, following a fire risk assessment due to the design of the building and the number of external panels.
- d. In relation to a follow-up question, officers advised that they were happy that a stay-put policy was appropriate, and that this was determined by the fire risk assessor and the risk identity was determined for each individual building at the time of the assessment. All high-rise buildings had been assessed and had a current up-to-date fire risk assessment.
- e. In response to a further follow-up question, officers advised that the Council had two internal risk assessors and also two vacant posts. Officers set out that it was difficult to hire qualified fire risk assessors, due to the fact they were in high demand and the market was very competitive. The Panel were given assurances that a very high level of assurance and certification was required as part of tender for a fire risk assessment company, including membership of the institute of fire engineers. The company that was employed by Haringey

used additional resources, such as a sub-contractor. The sub-contractor had to meet the same characteristics as the main contractor. Officers advised that they had a high level of competency around fire risk assessments and also had experience of working with a number of other social housing providers.

- f. Officers advised that they were in the process of tendering for a major works contract, which included Stellar House. It was envisaged that works would begin next year.
- g. The Panel sought clarification about the number of overdue high risk actions set out at paragraph 6.9 of the report and the fact that there were around 1500 actions outstanding. In response, officers advised that part of the reason for self-referring to the regulator was an acceptance that this was not good enough and the Council had undertaken a voluntary commitment to rectify the situation. Officers advised that a number of programmes had been put in place to tackle the overdue actions. As part of the programmes, a number of contractors had been appointed and they had been asked to provide assurances about when these would be completed. Officers estimated that the overdue actions would complete by December. The Cabinet Member also set out that there were a number of mitigations put in place following the referral, such as alarm systems and building managers.
- h. The Panel sought assurances that the reduction of circa 2600 high level actions in the table was as a result of something having been done rather than just reclassifying the risk level. In response, officers advised that each action was the result of an observation by a fire risk assessor and could be that they were unable to access a particular fire risk assessment. As soon as that document was found, the action could be closed. Officers advised that a fire safety action would not be closed without the relevant evidence and that there was an audit trail for every action that was closed.
- i. In response to a question about the contractor, officers advised that the Council held a contract with a fire safety consultancy, called Faithorn, Farrell & Timms, who provide the management, administration and quality assurance for fire safety risk assessment. They then sub-contract out the assessments to a specialist asbestos contractor, who go out and carry out the fire risk assessments. The fire risk assessments are then quality assured by the main contractor and they are signed off by the Council. In response to a follow up question, officers advised that the contract was around £4m in value over five years and that around 1650 fire risk assessments were carried out each year.
- j. In response to a questions about in-house assessments, officers advised that there were two full-time fire risk assessors in house and two vacancies. The in-house assessors carried out some of the FRAs and other inspections such as quarterly inspections of communal doors.
- k. In response to a question, officers advised that there was a constant churn of fire safety actions, and that new actions were raised as a matter of course. However, the actions referred to in the report were specifically those that were reported to the regulator as part of the Council's self-referral.
- l. In relation to a questions about how residents could report fire safety concerns, officers advised that there was information on the website and that there was a dedicated fire safety email address to report concerns to, and that people should also speak to the building safety managers (in high-rise blocks). In

addition, the Panel were advised that residents had been engaged with and asked to undertake fire safety training. There was also a building specific resident engagement strategy for each high rise block.

- m. In response to a question, officers advised that grills, gates and barriers to doors and windows were picked up by the assessors as an urgent fire action and passed to the tenancy management team to engage with the tenant to organise removal.
- n. The Panel was advised that each door was inspected during a fire safety risk assessment and that any non-compliance to the required standard would be picked up as part of the assessment, including for leaseholders. The Council has a policy that only wooden doors could be installed, rather than composite doors and that this was above the current regulatory standard.
- o. The Chair queried the extent to which progress was hampered by a lack of resources, particularly with regards to combustible cladding. In response, the Cabinet Member set out that fire safety would always be a priority. It was acknowledged that the political landscape for social housing had been increasingly difficult for a number of years, however, the Cabinet Member stated that within the context of affordability, it would be other programmes that would be rationalised. There was a fire safety programme in place, but that took time as it involved large scale procurement, there were mitigations in place to offset those delays.
- p. In response to a follow-up question, officers set out that there was only so much focus that could be dedicated to this area and that this focus inevitably came with an opportunity cost. However, that cost was to other areas such as planned works and retrofitting. It was reiterated that the Council would never under-invest in safety and that fire safety was an absolute priority.
- q. In response to a question, officers advised that they would like to see an increase in the amount of assessments and other related works carried out by in-house staff. However, this was difficult due to an extremely competitive marketplace.
- r. The Panel sought assurances about allocating those with mobility difficulties above the third floor and there being a stay put policy in place in that building. In response, officers agreed to get a written response about whether the allocations policy has specific stipulations about disabled residents to living above the third floor and whether we would seek to relocate them. **(Action: Hannah Adler).**

RESOLVED

That the report was noted.

177. HOUSING ASSET MANAGEMENT PLAN

The Panel received a report which provided an update on the Housing Asset Management Plan. The report was introduced by Christian Carlisle, Interim AD Asset Management as set out in the agenda pack at pages 13-22. The item also contained a presentation on progress to date with retrofitting properties in Haringey to improve their energy efficiency. This presentation was provided by Alfie Peacock, Senior

Project Manager – Energy and Sustainability as set out in the agenda pack at pages 23-29. Cllr Sarah Williams, Cabinet Member for Housing and Planning was present for this item, along with the Director of Placemaking and Housing. The following arose during the discussion of this item:

- a. The Panel sought clarification around how the revised Asset Management Plan was a change from what had been in place previously. In response, officers advised that this should be seen as an expansion of the existing process. Officers set out that a stock condition survey had just been completed for the first time since 2015 and that having accurate data would allow the Council to better plan and prioritise works going forward.
- b. Members asked whether the Asset Management plan included the decoration of existing estate blocks. In response, it was advised that that this was not usually part of Major Works, and instead was carried by the communal decorations team.
- c. In response to comments about difficulties in spending capital money every year, officers acknowledged that this was always a challenge. The Council spent circa £27m last year and it was forecast to spend circa £35m in the current year. Officers commented that some of the delays were caused by the procurement process and supply chains, it was hoped that the implementation of 10-year partnering contracts would help mitigate some of those delays.
- d. In response to a query about aids and adaptations and progress with merging the two teams, officers advised that the two teams did slightly different things. It was noted that the team within Adult Social Services undertook assessments retrospectively following requests from a tenant, where as in Housing an occupational health assessor would be involved in major works programmes and would contribute to the design of a unit.
- e. In response to a question about the timetable for the implementation of the framework agreement, officers advised that the Council had decided to go through its own framework contract and that it was still on track; it was anticipated that this would be in place by quarter 2 of 2025/26.
- f. The Panel sought assurances around resident and leaseholder engagement in procurement panels for major works. In response, officers set out that there was a legal requirement for residents to be involved in the prioritisation and feedback on works and that the Cabinet report set out how that engagement process would work.
- g. Officers advised that stock condition surveys were being undertaken so that the Council would not have to be in a position whereby it lacked relevant data and that there was a commitment that these would be done on the basis of a minimum of 10% stock done year on year.
- h. In response to a question, officers advised that the stock viability model looked at what needed to be invested in the Council's housing stock over the next thirty years against the anticipated levels of income. It was clarified that this was not about selling assets if they were considered too expensive to renovate.
- i. The Panel sought assurances about the extent to which partnership contracts would be able to offset the risk of contractors going bust. In response, officers advised that nobody wanted to go through the pain of having contractors go

- bust, and that it was envisaged that the framework agreement would help mitigate this, particularly as the Council would be seeking to appoint large scale tier one contractors. It was also noted that the intention was to tender the contracts in such a way that there was no guarantee of work, in case the contractor did not perform up to expectation.
- j. In response to a question around Decent Homes standard and the timeframe for additional investments to go above that standard, officers advised that in general they would always seek to do works all together to minimise disruption and that it might be the case that some works were brought forward if other works were being done on site.
 - k. The Chair requested that the table at paragraph 4.6 of the report be broken down to show the average investment per dwelling in a particular location. In response officers advised that they were not sure that it would be possible to present an average, but that they could provide additional information of how that figure was arrived at based on the stock condition survey data. **(Action: Christian Carlisle).**
 - l. The Panel sought clarification about retrofitting and the aspiration to achieve an average of EPC-C, rather than EPC-B. In response, officers advised that the Housing Energy Action Plan (HEAP) set out a target for an EPC-C average by 2030, EPC-B by 2035, and carbon neutral by 2041. Officers acknowledged that the basis for this was the timelines for government grants. Officers were confident that Haringey would meet those targets.
 - m. In response to a question about external insulation versus cavity wall insulation on the Coldfall estate, officers advised that external insulation had been chosen because of the design of those buildings and the fact there were no cavities in the internal walls.
 - n. Officers acknowledged the need to communicate with leaseholders in the buildings where retrofitting was taking place and suggested that they envisaged the contractors giving leaflets out to those properties and engaging with residents directly. Officers advised that engaging with leaseholders was part of the action plan.
 - o. In response to a question, the Director advised that he would be discussing the possibility of adopting a retrofitting first approach in relation to enabling planning policy to support retro-fitting, at the upcoming meeting of the Local Plan working group. It was cautioned that there was quite strict primary legislation in place around conservation areas.
 - p. Officers agreed to come back with an explanation of how an average of EPC-B was calculated and whether it was calculated as a mean or mode average. **(Alfie Peacock)**
 - q. Officers also agreed to come back with an explanation of how fuel poverty was calculated in England and what the definition was. **(Alfie Peacock).**
 - r. The Panel commented that the figures in the presentation were quite small and questioned how this could be scaled up to meet Haringey's ambitious climate targets. In response, officers advised that there were other workstreams that contributed to improved carbon efficiencies, such as major works programme replacement of doors, windows and boilers. The Mayor's Office established several retrofitting programmes. Officers acknowledged that there was a general shortage of funding from government for retro-fitting.

- s. The Panel queried about what could be done if leaseholders didn't want to go through the disruption of having retrofitting works done. In response, officers advised that part of the job of the team would be to try and persuade them of the benefits of retrofitting and explain some of the disruption involved. A surveyor would be sent round to talk to the homeowners. The Council would be seeking to bring as many people along with them as they could at each stage of the process, but ultimately there would be a point in which the project had to move on.

RESOLVED

That the Panel noted the report.

178. HOMEOWNERSHIP SERVICES UPDATE

The Panel received a report which provided an update on the improvements being made for leaseholders in the Homeownership Services, as part of the Housing Improvement Plan. The report was introduced by Suzanne Prothero, Head of Ownership Services as set out in the agenda pack at pages 31 to 47. Cllr Sarah Williams, Cabinet Member for Housing and Planning was present for this item, along with the Director of Placemaking and Housing. The following arose during the discussion of this item:

- a. The Panel sought assurances around the extent to which the Council provided a clear set of expectations to leaseholders, in terms of what they could expect in return for service charges. In response, officers advised that the individual leases would set out what services the Council provided as the free-holder, and that details of, say, the cleaning schedule would be put up on communal notice boards. There were FAQs up on the website in relation to leaseholders and there was also a dedicated phone line and email inbox in place.
- b. The Chair asked for further information around key areas of improvement that were raised by the leaseholder continuous improvement group. In response, officers advised that in relation to service charges, it was about modernising the approach and being much more transparent. In relation to repairs, it was about these not being completed on time. In relation to policies and procedures, it was about a lack of consistency in the approach, a feeling that the rules were not standardised, and the need to professionalise the service.
- c. In response to a question about how much input leaseholders got into the development of new policies and procedures, officers advised that each policy would be signed off by the continuous improvement group (CIG).
- d. In response to a follow-up, it was noted that the CIG met quarterly and that Haringey Leaseholder AGM still happened annually. It was confirmed that an officer was present at the AGM meetings. Officers advised that a Member of the Haringey Leaseholders Association sat on the CIG, but that the two bodies were separate.
- e. The Panel sought assurances about how disputes about leaseholder charges were recorded and monitored. In response, officers advised that the service still operated a manual system, but that processes had been put in place to resolve previous issues around leaseholders being billed for repairs that were not carried out. Officers also set out that regular estate inspections were carried out and that issues of repairs not being done would be picked up then.

- f. In response to question about a sinking fund, which would allow leaseholders to pre-pay for costs towards major works, officers acknowledged that they had the ability to do it, and that they were looking at bringing something like this in, subject to the need for consultation.
- g. The Panel sought assurances that leaseholders were made aware of the permissions needed to do work on their properties, and also requested confirmation that the Council had withdrawn permission for leaseholders to change their windows and front-doors. Officers responded that there was a leaseholder alteration policy in place, which meant that leaseholders had to request permission to make changes and that they were also charged a fee. Separate to this, there was also a Cabinet decision taken that prohibited leaseholders from replacing doors or windows.
- h. Members commented that the Haringey Leaseholders Association had been problematic in the past, involving a lot of legal cases. Members queried whether relations had improved. In response, the officer advised that she had only been in post for 18 months, but that in her experience the relationship was cordial and that she suspected it had improved from the position it was in ten years ago
- i. The Panel asked officers if they were aware of case involving leaseholders at Brewery House taking the Council to the Ombudsman. In response, officers agreed to provide a written note to the Panel on this case. **(Action: Suzanne Prothero).**
- j. The Panel raised concerns about how the Council engaged with the tenants of leaseholder landlords and suggested that a leaseholder having to get permission to change a lock from the freeholder (the Council) would inevitably cause delays for the tenant. In response, the Panel was advised that Leaseholders were free to rent out their flats, but that the Council should be informed of this. In the scenario outlined, the Council's relationship was with the leaseholder landlord, but that it would take reasonable steps to inform tenants where possible. The Director advised that in the case of a landlord acting in a less than responsible manner, it was expected that the private rented sector housing team would be responsible for engaging with the landlord and that rogue landlords would be caught through the various licensing schemes in place. It was added that the only way that the Council would have information on a tenant for certain, is if the Council had placed them in a leaseholder property as Temporary Accommodation.
- k. The Panel question whether there was scope for leaseholders to carry out works and bill the Council, in circumstances where there had been lengthy delays and there was a possibility of the leaseholders taking the Council to court. In response the Cabinet Member set out that leaseholders were not able to carry out works to communal areas and that there were issues with leaseholder repairs being done badly and damaging neighbouring properties. The Cabinet Member suggested that the priority was to get the repairs service up to standard, rather than changing the existing policy.
- l. In relation to the revised responsible repairs policy, officers advised that the previous policy wasn't clear enough about what was and was not the responsibility of the Council. Similarly, the Council had received feedback from the Ombudsman about the need to make clearer what could be the subject of an insurance claim.

- m. The Panel highlighted the 18% leaseholder satisfaction score mentioned in the report and sought assurances about how this compared with other boroughs. In response, officers set out that Haringey's was in the lower quartile and required improvement, but that these scores tended to be low across the board.

RESOLVED

That the Panel noted the report.

179. WORK PROGRAMME UPDATE

In relation to possible future agenda items, the panel put forward the below suggestions:

- Parks service undertaking maintenance on new estate buildings
- The out-of-hours housing service and concerns that it was operating as well as it should
- A follow up around PRS licensing and the monitoring of HHRS inspections and the number of CPNs issued etc. The Chair advised that she was discussing this with relevant officers outside of the meeting.
- The Panel requested that the Cabinet Member be asked for a response to the 3 main asks set out in the presentation. Namely; the need for more transparency, the need to lobby government for additional funding; the need to carry out remedial works and to set out what remedial work had been done since Grenfell. **(Action: Philip).**

RESOLVED

That the work programme was noted

180. NEW ITEMS OF URGENT BUSINESS

N/A

181. DATES OF FUTURE MEETINGS

- 26th September 2024
- 5th November 2024
- 16th December 2024
- 6th March 2025

CHAIR: Councillor Alexandra Worrell

Signed by Chair

Date

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Housing, Planning and Development Scrutiny Panel – Action Tracker 2024-25

2023-24 - 13 March 2024

No.	ITEM	STATUS	ACTION	RESPONSE
1	Minutes	ONGOING	The Panel requested that a further update be provide to a future meeting around the costs to the Council arising from legal disrepair claims	Noted. This will be added to the Work Programme. Members may wish to consider when they would like an update as part of a wider discussion on the work programme for year.
2	Voluntary Undertaking to the Social Housing Regulator	COMPLETED	The Panel requested some further data on the number of category one hazards minus cases of overcrowding	The service had a total 183 category one hazards reported through the stock condition surveys of which 143 has been closed or declassified. Of the 183, 14 were allocated to Tenancy Management. For overcrowding, as we cannot re-house families to larger homes due to the acute shortage of larger properties in Haringey and average wait times, we would provide information on applying for transfer/other move options.
3	Preparedness for the Regulator of Social Housing's new Consumer Standards	COMPLETED	The Panel requested a future update around the revised re-charging model/SLA between housing and housing enforcement, and what additional services residents would be available to residents.	The new recharging model and SLA are being finalised by the relevant services. An update on this to come back to the March 2025 panel meeting.
4	Under-Occupation in Council Housing	COMPLETED	The Panel requested that a further update be brought to the Panel in due course around the Neighbourhood Moves scheme and its implementation to date.	These will be incorporated in the 2024/25 work programme.

30th July 2024

No.	ITEM	STATUS	ACTION	RESPONSE
5	Fire Safety Action Plan	COMPLETED	Officers agreed to provide a written response about whether the allocations policy has specific stipulations about disabled residents to living above the third floor and whether we would seek to relocate them.	<p>The current housing allocations policy sets out that:</p> <p><i>Where the Council's specialist housing teams decides that medical priority should be awarded, they will also specify the type of housing that is suitable for an applicant. Although applicants will be able to bid for properties that do not meet this specification, offers will be subject to approval of an Occupational Therapist.</i></p> <p>It does not specifically set a threshold at the third floor.</p> <p>The new housing allocations policy will include broader wording to ensure that all applicants, whether they are on the housing register for a medical reason or not, are included in this. Draft wording is currently as follows:</p> <p><i>Although Applicants may be able to bid for properties that do not meet this specification, offers may be withheld and offers already made may be withdrawn if the new home is found to be unsuitable for the applicant and/or cannot feasibly be adapted to address the medical need for which priority was awarded. Adaptions will be considered feasible where they where it can be completed within a reasonable time and at reasonable cost.</i></p>
6	Housing Asset Management Plan	COMPLETED	The Chair requested that the table at paragraph 4.6 of the report be broken down to show the average investment per dwelling in a particular location. In response officers advised that they were not sure that it would be	A response was emailed to the Panel on 16 th September.

			possible to present an average, but that they could provide additional information of how that figure was arrived at based on the stock condition survey data.	
7	Housing Asset Management Plan	COMPLETED	Officers agreed to come back with an explanation of how an average of EPC-B was calculated and whether it was calculated as a mean or mode average. (Alfie Peacock)	A response was circulated on 14 th August
8	Housing Asset Management Plan	COMPLETED	Officers also agreed to come back with an explanation of how fuel poverty was calculated in England and what the definition was. (Alfie Peacock).	A response was circulated on 14 th August
9	Homeownership Services Update	OUTSTANDING	The Panel asked officers if they were aware of case involving leaseholders at Brewery House taking the Council to the Ombudsman. In response, officers agreed to provide a written note to the Panel on this case.	Scrutiny Officer to follow up.
10	Deputation	ONGOING	The Panel requested that the Cabinet Member be asked for a response to the 3 main asks set out in the presentation. Namely; the need for more transparency, the need to lobby government for additional funding; the need to carry out remedial works	A response will be circulated following the agenda publication.

			and to set out what remedial work had been done since Grenfell.	
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Report for: Housing Scrutiny

Title: Haringey's Housing Strategy and Policy Programme

Report authorised by: Director of Placemaking and Housing

Lead Officer: Assistant Director for Housing

Ward(s) affected: All

**Report for Key/
Non Key Decision:** No

1 Describe the issue under consideration

- 1.1 This report sets out the upcoming housing strategy and policy programme, for Housing, Planning and Development Scrutiny Panel's consideration. This is not an exhaustive list of policies and strategies being developed, since the team and broad function react to changes in the local and national policy landscape. However, it provides an overview of the current workplan.

2 Recommendations

- 2.1 That the Housing, Planning and Development Scrutiny panel considers the proposed programme.

3 Background

- 3.1 Haringey Council has a number of roles and responsibilities in relation to housing in the borough. It is a landlord of social housing – the largest in the borough, holding more stock than all other registered providers combined. The council is also engaged in a major new council housing delivery programme. It is the local planning authority and thus responsible for the delivery of housing of all types in the borough.
- 3.2 As the local housing authority, it also has responsibility for homeless households and for providing them with accommodation in some cases. It is responsible for licensing and enforcement in the private rented sector. And with responsibility for adult social care, children's social care and public health, ensuring that residents are living in homes that meet their needs and allow them to thrive is crucial to all parts of the organisation.
- 3.3 The council's housing strategy function sits at the intersection of these roles. It is responsible for developing long term strategies which set out a shared vision for housing in Haringey across the council and borough; and policies which set out how the council will act and the mechanisms it will use to achieve the aims of its overall strategies.

A new housing strategy for Haringey

- 3.4 In March 2024, Cabinet agreed Haringey's Housing Strategy 2024-2029. This sets out the Council's approach to housing in Haringey over the next five years. The strategy was adopted following consultation, which showed strong support for the strategy's overall strategic objectives.
- 3.5 The Housing Strategy 2024-2029 sets out the Council's ambition for everyone in Haringey, whatever their circumstances, to have a safe, stable, and genuinely affordable home.
- 3.6 The Housing Strategy is built around four strategic objectives:
- Delivering the new homes Haringey needs
 - Improving housing quality and resident services in the social housing sector
 - Improving the quality of the private rented sector
 - Preventing and alleviating homelessness
- 3.7 Each of these strategic objectives sits over sub-objectives, setting out how the overall strategic objective will be achieved. This is set out below:

Strategic objective 1: Delivering the new homes Haringey needs

- 1.1 *Supporting the delivery of 1,592 new homes every year in Haringey.*
- 1.2 *Ensuring the right mix of homes for our communities.*
- 1.3 *Establishing a new era of Council home building.*

Strategic objective 2: Improving housing quality and resident services in the social housing sector

- 2.1 *Transforming services to our tenants and leaseholders, and designing those services with them*
- 2.2 *Ensuring and improving the quality of our Council housing*
- 2.3 *Embedding these functions into the Council's core business*
- 2.4 *Collaborating to help drive improved services in the sector across the borough*

Strategic objective 3: Improving the quality of the private rented sector

- 3.1 *Setting clear standards for the private rented sector and supporting landlords to meet those standards*
- 3.2 *Enforcing those standards and taking decisive action against landlords who will not provide their tenants with a home that is decent, safe, and secure*
- 3.3 *Empowering and supporting private renters to hold their landlords to these standards*

Strategic objective 4: Preventing and alleviating homelessness

- 4.1 *Preventing homelessness whenever possible*
- 4.2 *Ensuring that we have the right accommodation and support for people who are homeless or at risk of homelessness*
- 4.3 *Supporting people who are, or who are at risk of, rough sleeping*
- 4.4 *Ensuring that we are making the best and fairest use of our housing stock*

3.8 Five fundamental principles run through each of the Strategy's objectives and underpin all areas of the proposed strategy:

- Communication and co-production - communicating clearly, transparently, and respectfully with residents, and putting residents at the centre of the design of services and of homes.
- An active council – using all levers and powers at our disposal to tackle the housing crisis.
- Working holistically and in partnership - putting housing at the heart of what this council does, and taking a lead in bringing residents, community groups, voluntary and private sector organisations together to tackle the housing crisis.
- Creating and maintaining sustainable and healthy communities - working with residents to deliver new, better, and healthier homes and neighbourhoods, enhancing the places and sense of community that make them proud to call Haringey home.
- Responding to the climate emergency - delivering homes and neighbourhoods that are healthier and more resilient.

3.9 Following the adoption of the Housing Strategy in March 2024, the Council's strategic housing function is focused on the development of work in other areas. This includes three major pieces of strategic work – a new housing allocations policy, a new homelessness strategy and a new older persons' housing strategy, alongside a number of associated strategies and policies. This work is all fully in line with the council's housing strategy and the corporate delivery plan.

The Homelessness Strategy

3.10 The Homelessness Act 2002 requires local authorities to carry out a homelessness review and to formulate and publish a homelessness strategy based on that review. A homelessness strategy is a strategy for:

- preventing homelessness
- securing that sufficient accommodation (of a range of types) is available for people who are or may become homeless
- providing satisfactory support for people who are or may become homeless, or who need support to prevent them becoming homeless again

3.11 In March 2018, Cabinet adopted a Homelessness Strategy. That strategy ended in 2023. The lengthy process of developing a new Homelessness Strategy had not begun when homelessness services were brought back under the Council's direct control in May 2022. A decision was taken to delay formulating a new homelessness strategy until the insourcing process had bedded in. Further decisions were taken to develop the Homelessness Strategy on a timeline that would allow it to align with the emerging 2024 Housing Strategy.

3.12 However, because the rough sleeping environment was at a critical moment in the aftermath of Covid and the end of the 'Everyone In' initiative, and because the Council's rough sleeper services were not managed by the ALMO, a decision was taken to produce a standalone Rough Sleeping Strategy. That standalone Rough Sleeping Strategy was developed through extensive coproduction and then adopted by Cabinet in July 2023.

- 3.13 Homelessness Reduction Boards (HRB) were proposed in the Government's 2018 Rough Sleeping Strategy as a mechanism for improving local accountability for the delivery of homelessness services, from February – May 2019. In a number of Local Authority areas, HRBs have been established and play an effective role. The Local Government Association recommend that HRBs could be an opportunity to increase the commitment of a variety of public bodies to the delivery of a local homelessness strategy.
- 3.14 The 2024 Housing Strategy commits to a partnership approach to homelessness and to set up a Homelessness Reduction Board to drive that partnership work by bringing together principal officers from the Council – including from housing and social care – with other public services, social landlords, and the voluntary sector in order to ensure a joint approach and hold each party accountable for preventing and reducing homelessness and rough sleeping. Alongside homeless people themselves, our new Homelessness Reduction Board will play a key role in developing a new Homelessness Strategy and Action Plan for the Council during 2024, and thereafter to overseeing its delivery.
- 3.15 A Haringey Homelessness Reduction Board (HRB) has been established. It is chaired and led by the Cabinet Member for Housing and Planning. It held its first meeting in November 2023.
- 3.16 The Haringey HRB is made up of senior officers from across the Council including from Housing Strategy and Policy, Adult Social Care, Children's Services, and Housing, as well as external partners including housing associations, commissioned partners, the voluntary and community sector, Citizens' Advice, the probation service, the metropolitan police, the NHS and the department for work and pensions.
- 3.17 The key purpose of the HRB, as agreed in its terms of Reference, is to oversee the development and implementation of the Haringey Homelessness Strategy 2025 and the implementation of the Haringey Rough Sleeping Strategy 2023 so that through effective partnership work homelessness and rough sleeping are prevented and reduced in our part of London.
- 3.18 The Homelessness Strategy will be developed through a process of engagement and coproduction before being subject to public consultation before being approved.

The older persons' housing strategy

- 3.19 The second major piece of strategic housing work being developed is an older persons' housing strategy. Unlike the homelessness strategy, this is not a statutory requirement. However, it was identified by officers across several services that developing an older persons' housing strategy would be beneficial, in line with existing workstreams and priorities, and could lead to an opportunity for better working across the council and more widely with external partners.
- 3.20 The older persons' housing strategy will provide strategic direction for the provision of housing for older people in Haringey in the medium and longer term; consider the use of the council's existing sheltered housing stock; consider how

and whether the council should be developing housing specifically for older people and what other housing developed by external partners will be required in addition to this. It will consider this in the context of changing needs of older people, both in terms of support requirements and in terms of the type of housing and housing tenure they are living in.

- 3.21 The older persons' housing strategy is being developed in collaboration with the council's adult social care, public health, sheltered housing, planning policy and new housing development teams.

The rightsizing strategy and policy

- 3.22 Many social tenants in Haringey live in homes that are larger than they need. A similar number of social tenants are overcrowded in their homes. And of course, many households on the housing register need our larger homes.
- 3.23 Our housing strategy sets out an ambition for 50% of new social homes delivered in Haringey to have 3 or more bedrooms. However, building these larger homes is very challenging in terms of financial viability, for either the council or other registered providers.
- 3.24 An additional way to make homes with 3 or more bedrooms available to Haringey's housing register is to support social tenants to move to smaller homes, where appropriate for them. Currently, the council places any 'downsizers' in Band A of the housing register, and offers them financial incentives to move. However, this has not historically resulted in a significant number of social tenants moving to smaller homes.
- 3.25 The rightsizing strategy will set out the council's strategic approach to delivering social homes that meet the needs of existing and future social tenants, and that takes into account changing household sizes.
- 3.26 It will be accompanied by a rightsizing policy which will set out a range of incentives and support to encourage and facilitate social tenants who are able to and happy to move to a new, smaller, social home.

TA placements policy and TA discharge of duty policy

- 3.27 As the local housing authority, Haringey is responsible for providing accommodation for adults to whom it owes a homelessness duty. Due to the chronic shortage of social housing in Haringey, this is generally in temporary accommodation. For all households for whom Haringey accepted this duty after the Localism Act 2012, the local housing authority can end this duty by an offer of settled accommodation – whether in the social or private sector.
- 3.28 As such, the council needs to have policies in place setting out the types of accommodation that will be offered – both as temporary accommodation and as accommodation when the council is discharging its duty. In doing this, the council needs to balance the needs of its residents with the considerable cost to the general fund of temporary accommodation. A new TA placements policy and TA discharge of duty policy will be developed to achieve this.

3.29 These policies will be subject to public consultation before being approved.

Supported housing strategy

3.30 The Supported Housing Act 2023 requires local authorities to prepare a supported housing strategy. This will set out the current supported accommodation available in the area as well as the medium-term need for this type of accommodation.

Intermediate housing policy

3.31 The council adopted an intermediate housing policy in 2018 which sets out both the eligibility criteria for accessing intermediate housing in Haringey as well as the prioritisation for that housing. Eligibility is based on household income. A new intermediate housing policy will be developed with updated income thresholds.

Allocations policy and Sheltered Housing Allocations Policy

3.32 All local housing authorities need an allocations policy which sets out who is prioritised for social housing in the area. In the context of a chronic shortage of social housing, and growing demand, a fair and clear housing allocations policy is even more important.

3.33 Haringey is in the final stages of developing its new housing allocations policy, following extensive engagement with residents and stakeholders.

3.34 This will be followed by a separate policy setting out how the council's sheltered housing will be allocated, informed by the older persons' housing strategy.

3.35 These policies will be subject to public consultation before being approved.

Housing management policies

3.36 Separate from the policies and strategies set out above, the council is also reviewing all the policies which it needs to have in place as a landlord of social housing. In July, the Vulnerable Tenants and Leaseholders Policy and the Safeguarding Adults and Children Policy were agreed by Cabinet. Upcoming cabinets will consider the Responsive Repairs Policy, the Income Collection Policy and the Housing Arrears Policy.

Targets dates for new policies and strategies

3.37 The table below sets out target dates for the adoption of these policies and strategies by Cabinet. Note that these are target dates for final adoption by Cabinet; in some cases, a draft for consultation will be agreed by Cabinet in the first instance and final draft will be considered following a period of consultation.

Policy / Strategy	Target period for adoption
Homelessness Strategy	Q3 25/26
Older Persons Housing Strategy	Q3 25/26
Rightsizing Strategy	Q2 25/26
Supported Housing Strategy	tbc

Rightsizing Policy	Q4 25/26
TA Placements Policy	Q2 25/26
TA Discharge of Duty Policy	Q2 25/26
Intermediate Housing Policy	tbc
Allocations Policy	Q2 25/26
Sheltered Housing Allocations Policy	Q3 25/26

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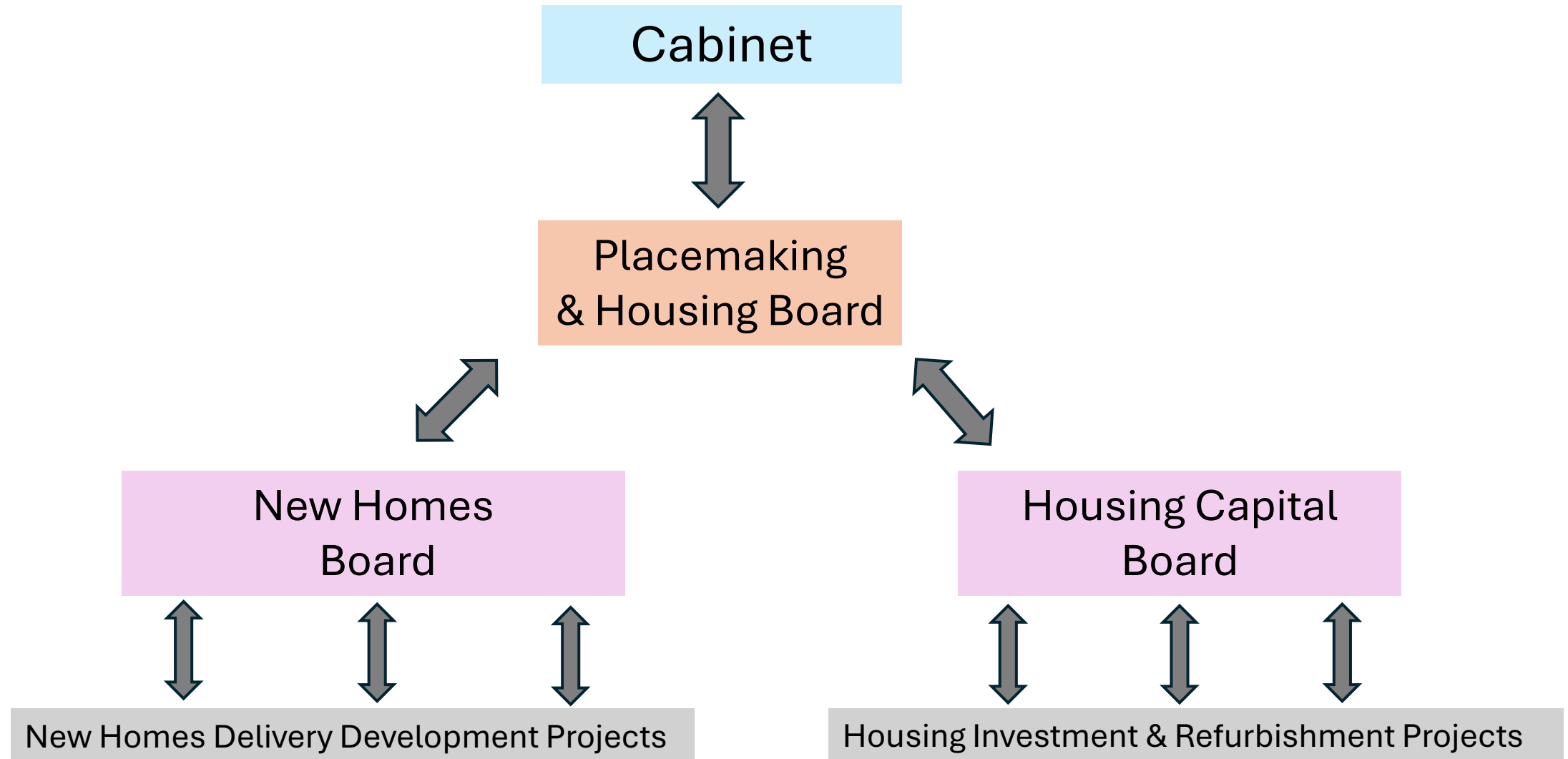
Scrutiny

HRA Projects Governance & Monitoring

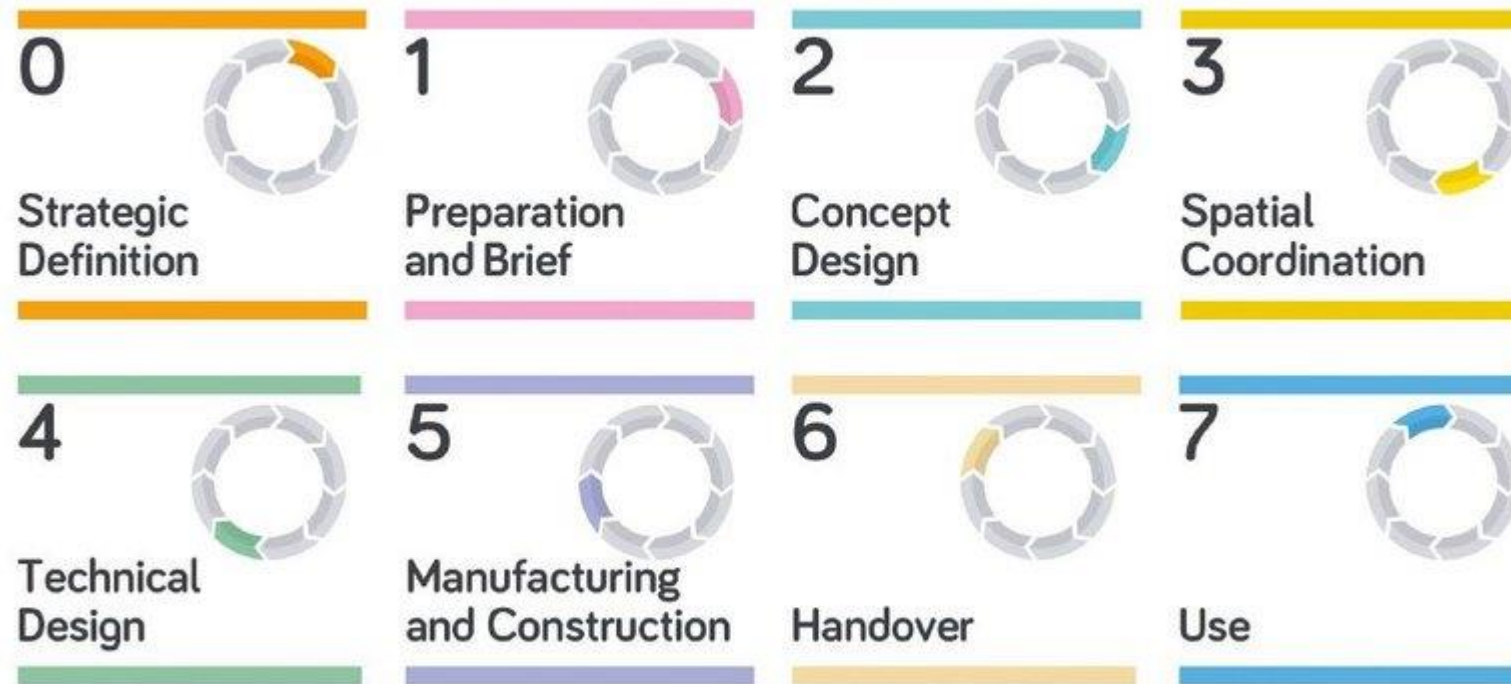
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HRA Project Delivery Governance Structure

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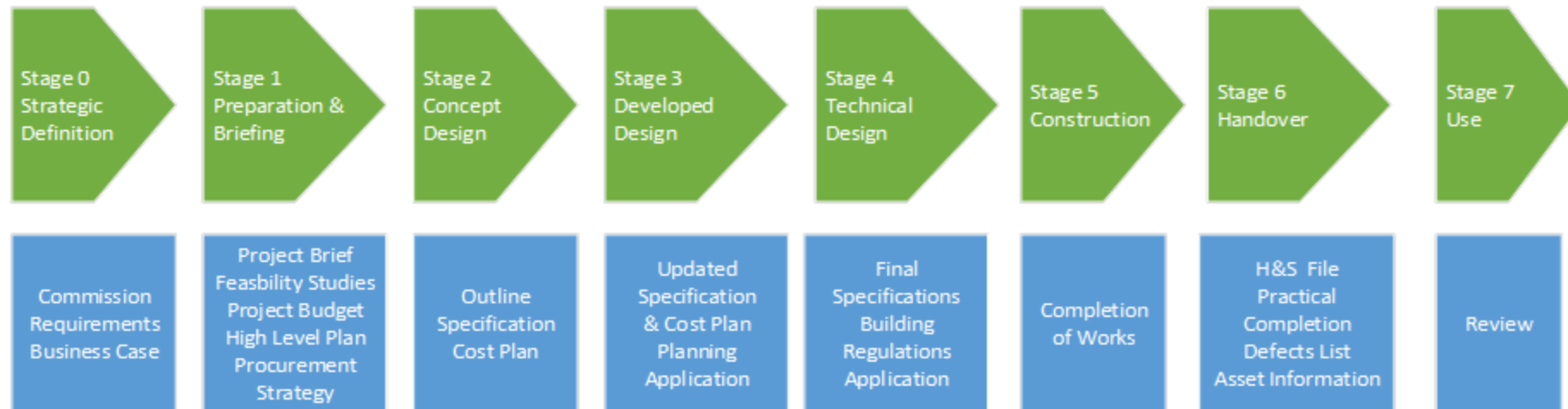


RIBA Plan of Work Stages



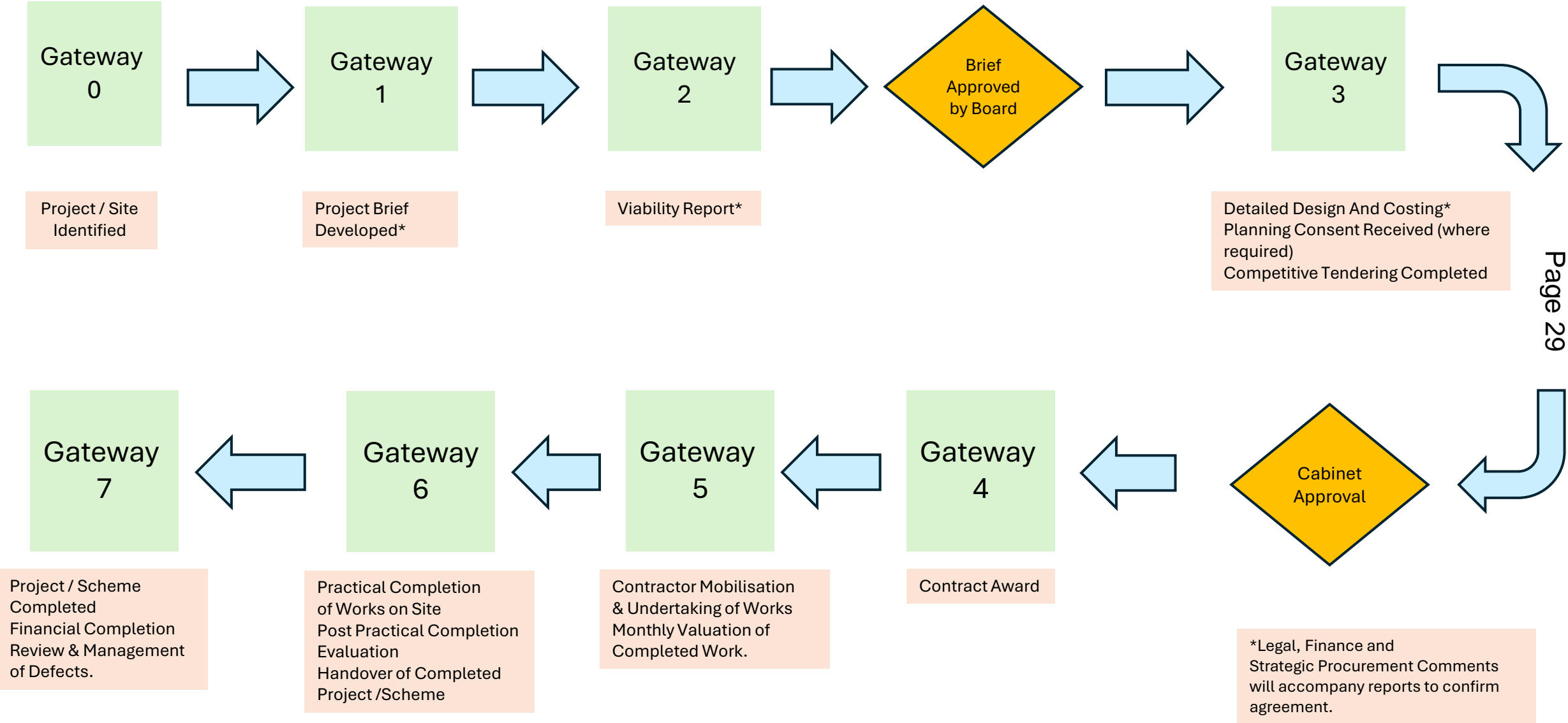
- The RIBA Plan of Work stands as an industry-standard roadmap for orchestrating successful projects and sets the benchmark for project design and delivery, outlining each phase from inception to completion.

Gateway Stages Based on RIBA Plan of Work



Each Team has a set of processes and procedures for covering all elements of delivery which provide guidance on all aspects from inception to completion.

Governance



Monitoring Arrangements



- **Board Meetings** – Monthly Board meetings (Housing Capital Board / New Homes Board) monitoring progress on individual projects against milestones, budget management and risk and issue management.
- **Multi-Disciplinary Consultants (Investment & Refurbishment) / Employers Agent (New Homes)** – Independent oversight of delivery of individual projects, with additional monitoring of quality & conformity by the Clerk of Works and Inspectors appointed by the Council's Building Control Department. In addition, for New Homes, quality and conformity is also monitored by latent defect's insurer (NHBC, or LABC).
- **Retentions** - The Council will, in accordance with the form of, also retain part of the value of the contract:
 - (New Homes) - 3% of the costs against any future liabilities that may arise from the Contractor. For a period of 12, or 24 months (dependent on the Contract requirements the Contractor is obliged to remedy any defects that may arise.
 - Investment & Refurbishment - 5%, with 2.5% released at final account stage and 2.5% released after defects liability period has ended (usually 12 months).
- **Project Management** - Project Managers are allocated to every project / scheme and their work is supervised both by Senior Project Manager and the Head of Service.
- **Monthly Project Meetings** - Project Review Meeting monthly where:
 - Review of Progress against Milestones
 - Issue identification and resolution.
 - Review of financial forecast against actual costs.

Monitoring Arrangements - Budget Changes

- **Virements / Additional Funds** - Any requests for virement are approved by the Head of or Assistant Director (dependent on the amount required).
- Any requests for additional funds beyond that specified in the contingency must be approved by:
 - Housing Capital Board or New Homes Board
 - Placemaking and Housing Board (Chaired by the Director for Placemaking and Housing).
 - Cabinet for which additional Reports, approved by Finance, Legal and Strategic Procurement, are required.

Draft

Questions ?



Report for: Housing, Planning & Development Scrutiny Panel, 26 September 2024

Title: Placemaking Programmes and Funding

Report authorised by: David Joyce, Director of Placemaking & Housing

Lead Officer: Anna Blandford, Interim AD Regeneration & Economic Development

Ward(s) affected: All

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

1. Describe the issue under consideration

- 1.1. Placemaking, or in other words the Council's plans to create fairer, healthier, safer, more sustainable and resilient places, is work that has been taking place over a number of years. It is led by programmes that are strengths-based, led by the Council's aspirations for its places, especially for Tottenham and Wood Green. Crucially, placemaking must respond to our communities' priorities, which is why Shaping Wood Green and Shaping Tottenham will now guide this work for the years to come.
- 1.2. Placemaking places a clear emphasis on embedding local communities in the process, taking a Haringey Deal approach to co-production and targeting a whole Council approach to the way that we will deliver. The Wood Green Voices exercise delivered an early exemplar of this approach, carrying out a wide-ranging engagement exercise to involve local communities in discussions and resulting in [Shaping Wood Green](#). Shaping Tottenham is now in late stages of development and is due to be considered by Cabinet on 17th September. These two documents now guide Placemaking work in the two respective areas of change, and what we heard through these engagement programmes is being embedded in the new Local Plan. Placemaking will also align with, and support, the delivery of related strategies such as Opportunity Haringey (the Council's Inclusive Economy Framework), and the Borough of Culture with a focus on Tottenham as a major events and cultural destination.
- 1.3. Placemaking is also influenced by available funding streams; at any given point over the past 10 years there have typically been a mix of local/subregional funding streams led by the GLA or Subregional Partnerships, national funding provided by Government or, prior to Brexit, EU funding towards growth in local areas. This funding tends to come with very specific conditions for delivery, as well as desired outputs and outcomes, which then influences what Councils can and cannot deliver with their own levers. Alongside this external funding which makes up the majority of Placemaking programme resources, Cabinet has decided on numerous occasions to invest Council budgets, both revenue and capital, as match funding and/or complementary funding towards delivery of Placemaking activities.

1.4. The purpose of this paper is to provide information on:

- a) existing and planned placemaking programmes, and;
- b) details on placemaking funding streams, including any variables attached to that funding.

2. Recommendations

2.1 The Scrutiny Panel is asked to note this briefing paper.

3. Placemaking Programmes in delivery

Tottenham

3.1 Regeneration work in Tottenham has typically focussed on four priority areas for regeneration: Northumberland Park, Love Lane estate and the area north of White Hart Lane, Tottenham Hale and Tottenham Green / Seven Sisters. Regeneration was for some time guided by the Strategic Regeneration Framework which was adopted in 2014 following the 'Tottenham's Future' consultation exercise. Since that time, much has changed in Tottenham and much has already been delivered.

3.2 Placemaking in **Tottenham Hale** was guided by the [Tottenham Hale District Centre Framework and subsidiary strategies](#). It has included:

- Delivery of over 3,200 new homes and a range of commercial uses, including meeting the target set out at the outset of **40% affordable housing** across the programme. These new homes include the new Council homes at Walter Tull House, Rosa Luxemburg and Hale Wharf which all formed key schemes brought forward through the placemaking programme as part of the District Centre Framework, enabling them to be acquired by the Council to provide high quality new homes for our residents.
- Significant investment in **parks and green spaces**: the [Down Lane Park](#) improvement plan with over £9m of investment to improve the park and deliver new and improved facilities for the local community which were co-designed with the community and Living Under One Sun and now onsite; the creation of the borough's first new nature reserve in a decade at [The Paddock](#) now onsite; delivering [the Colour Way](#) (formerly Park View Road underpass) to improve connections into Lea Valley Regional Park now onsite
- Major **streetscape and public realm** works in and around new developments in the new Tottenham Hale District Centre: Chesnut Road

public realm improvements (Phase 1 delivered and Phase 2 onsite); completed works on [Ferry Lane](#) forming a key cycling and walking route into the borough; public realm enhancements in and around the station, on Ashley Road and Station Road delivered.

- **Partnership** working with key local stakeholders to deliver social infrastructure, and ongoing complementary activities such as a place branding and a retail strategy, wayfinding and a business crime reduction partnership (BCRP). Critically, the **Welbourne Health Centre** has now opened which was the top priority expressed by residents in earlier rounds of engagement and which provides brand new, state-of-the-art primary health facilities for existing and emerging communities alike.
- **Funding:** GLA Housing Zone, S106, GLA Green & Resilient Spaces, LBH capital.



Tottenham Hale

- 3.3 Placemaking in South Tottenham/Tottenham High Road, including Seven Sisters, West Green and Bruce Grove has been guided by the [Tottenham High Road Strategy](#). It has included:

- **The Wards Corner and Seven Sisters Market** project will deliver on a new vision for Seven Sisters, transforming it onto a vibrant town centre, with the iconic Latin Village market at its heart. Following the completion of the Compulsory Purchase Order (CPO) on land previously owned by Grainger, the Council is now uniquely positioned to collaborate with Places for London (owners of the market building), traders, and residents. Together, the scheme will reflect broader placemaking ambitions, with Seven Sisters the cultural gateway to Tottenham. As part of this, the Council is supporting Places for London in the delivery of temporary indoor and outdoor markets, to allow traders to return to the site after years of closure.

Seven Sisters Placemaking - Alongside the Wards Corner project is a placemaking scheme for the wider district centre which will include a series of public realm, lighting and creative interventions. These improvements aim to position the area as an exciting new destination with a safe and welcoming atmosphere for both visitors and locals, ahead of the upcoming Borough of Culture events and Euro 2028. Part of this strategy includes investing in Tottenham Green Market.

- [Your Bruce Grove](#) has an overarching objective to ‘thicken’ Tottenham High Road and establish the side and back streets as safe, welcoming, and lively spaces where local communities feel comfortable to socialise, shop and work and where the Council can deliver an improved and **expanded Holcombe Market**.
- **The Tottenham High Streets Heritage Action Zone**, or ‘HSHAZ’, has as its goal to make the high street in Bruce Grove Town Centre a more attractive, engaging and vibrant place for people to live, work and spend time. It is delivering improvements to the public realm for four forecourt properties on Bruce Grove and to the public realm surrounding **St Marks Church** on the High Road. The former [Bruce Grove Public Conveniences](#) is a Grade II listed building which has been restored and will now operate as a locally-owned café. Improvements to **Bruce Grove Station** include a new station waiting room alongside securing a community room for use and hire by the local community.
- [Page Green Common, Rangemoor Open Space and Page Green Terrace](#) is the coming-together of improvements to three green spaces near Seven Sisters Station
- **Community storytelling** has also been a major focus, with initiatives like ‘**Tottenham Tales**’ and the creation of a new walking trail and digital map that showcase Tottenham’s rich history from past to present.
- **Workspace Development** - Recent upgrades to the Grade II listed **639 Enterprise Centre** have been completed. This historic building has been carefully remodelled, now featuring a new seminar room, improved café facilities, and an enhanced street presence, providing a revitalised workspace for local businesses and entrepreneurs.

- *Funding: FHSF, HAZ, TfL/GLA investment, GLA Good Growth Fund, LBH capital match funding*



Artist's Impression: Entrance to Outdoor Seven Sisters Market



Bruce Grove Station waiting room

3.5 Placemaking in North Tottenham is focussed on three main areas:

- **High Road West** - High Road West is a mixed-use Scheme that includes around 2,500 homes including more than 500 Council homes as well as a new Library and Learning Centre, commercial and leisure space, a new

civic square and an extensive socio-economic programme including 3,000 jobs. Clear principles and requirements were set out for the Scheme from the outset, which were driven by the initial engagement with the community from the outset of the masterplan development and include a resident charter and design guide and, later on, commitments through the Landlord Offer that set out the standards for homes and the neighbourhood, that are part of the contractual requirements of the developer, Lendlease as set out in the development agreement. The Scheme has successfully progressed through the Mayoral resident ballot, planning consent and a compulsory purchase order, with the first phase close to being ready to be advanced at Whitehall Mews.

The approach to developing the High Road West scheme has been recognised as good practice by the Future of London Health and Housing Impact Network, while the design of the public square and open space successfully combines the community's aspirations for a range of outdoor uses, from markets to outdoor theatre events, with the standards required for safe and comfortable access for stadium visitors. A strong relationship has been developed with residents, who lead a range of events and activities, as well as being an integral part of the development of an exciting new playground at the heart of the estate.

- **Northumberland Park:** The Northumberland Park Community Placemaking Plan seeks to deliver a holistic approach to improving the lives of residents in North Tottenham. The Plan is focused on four key pillars; **Safe and Sound** – improving local housing services and safety across North Tottenham; **Homes and Places**- delivering neighbourhood improvements and new housing and spaces; **Community space and services** – improving community spaces and access to services and developing community; and **Jobs, skills and training/community development**- helping residents reach their aspirations through opportunities, job support and training and a range of community activities, with a specific focus on young people.

Numerous initiatives have been implemented across jobs, skills and training and community space and services including providing employment support programmes, digital support programmes and youth engagement programmes. New partnerships have been forged to tackle key issues such as health inequalities and crime and anti-social behaviour with our partners such as the police and the NHS and local community/voluntary sector through the establishment of a new **Partnership Forum**. New public realm has been delivered around **Northumberland Park Station**, Somerford Grove (new playground and murals), Kenneth Robbins House (new street gym) and on Park Lane (new street trees). Kenneth Robbins House and Stellar House, the two largest tower blocks on the estate, are currently being retro fitted with new windows, cladding, community space in ground floors, internal communal spaces, bathrooms and external public spaces. A **Homes and Spaces Plan** is currently being prepared to look at options for new homes and spaces across the estate.

- **Selby:** The Selby Urban Village project is an ambitious development arising from a shared aspiration between Haringey Council and the Selby Trust to deliver a community focused, mixed-use scheme on the Selby Centre and Bull Lane Playing Field sites, which will help the Council deliver its vision for a greener, healthier more equal borough. The scheme will deliver a new and improved Selby Centre community hub, alongside over 202 new social rent council homes and new sports and recreation facilities on Bull Lane Playing Fields. Following a Cabinet decision in 2019 to undertake a masterplanning exercise and design development across RIBA Stage 0-3+, the next step is to submit the proposals for detailed and outline planning consent. This is targeted for early Autumn 2024.
- **Funding:** *HRW: GLA Affordable Housing Grant, Mayor's Land Fund, Mayor's Regeneration Fund, TfL Local Implementation Plan funding, GF and HRA capital funding; Selby: LUF2; Northumberland Park: TfL investment, HRA capital funding Northumberland Park, LBH capital investment into Northumberland Park station.*



Artist impression: view to the stadium along Brereton Road White Hart Lane Station

New playground in Somerford Grove

New street gym at Kenneth Robbins House



4.1 Wood Green

4.2 Placemaking in **Wood Green** is underpinned by the ambition set out in Shaping Wood Green and delivery in the area will be focussed on the key themes and placemaking areas which area supported by the community:

- The most significant focus area is the detailed strategy work around Council accommodation on Station Road and the Library Sites – **Wood Green Central** - which is now progressing to a new workstream with short, medium and long-term proposals due in 2025. The strategy represents the most significant opportunity for placemaking transformation that Wood Green has seen for decades and will focus on delivering financial outcomes for the council, catalytic placemaking change, green public realm and buildings, culture and economic opportunities, underpinned by Haringey Deal principles.
- A series of complementary improvements to Wood Green while the strategy is in development focussed on greening public realm, connectivity, youth participation, boosting businesses and the economy, supporting high road diversification – **Connecting Wood Green, Turnpike Lane** improvements, public art including large murals, **Reimagine Wood Green, Adaptive Wood Green, Eat Wood Green**. The projects improved connectivity and the public realm throughout the area, as well as tackling air quality, promoting walking and cycling to school, encouraging a modal shift and improve ecology, biodiversity and the facilities on offer within the green spaces. The projects include **Rising Green Youth Hub**, Clarendon Yards workspace delivery; the co-designed **Wood Green and Turnpike Lane Design Manual**; Mayes Road Pocket Park, co-created with local residents; and Gladstone parklet delivered with local partners and school.
- A wide-ranging programme of projects have also worked with businesses and partners to help boost the local economy, supporting the intensification of the high street and providing and protecting affordable workspace to support the local creative economy.
- Significant support has been given to creative community through programme support to creative and cultural activities, spatial planning in the **Cultural Quarter**, improving links to Ally Pally, hosting the London **Festival of Architecture**.
- *Funding: Wood Green has been the recipient of multiple external funding sources including 2 rounds of GLA Good Growth Fund, significant developer contributions from WG Liaison Group; SIP; UKSPF*



5. Placemaking funding and funder conditions

5.1 Placemaking activities are funded by a diversity of funding sources including many and varied grant funding awards, developer contributions, capital funding through Council borrowing, housing revenue account (HRA) and general fund revenue spending.

5.1 Due to the Council's challenging financial situation successive savings targets have been set, and met, over a number of financial years and as a result general fund revenue is now very limited. Capital borrowing has also been reduced and officers are looking at options to reduce further. This presents challenges versus inflationary pressures on capital delivery and given the external funding environment has become significantly more constrained, particularly following Brexit, with less Government funding for growth and regeneration activities.

5.2 However, Placemaking teams have been successful in obtaining a large volume of external grant funding for projects over a number of years. Externally funded projects include:

- **Wood Green Common** - £250k grant from the Football Foundation Play Zone Fund towards a Multi-use Games Area (MUGA) at Wood Green Common
- **GLA Good Growth Fund 3 (Wood Green):** £0.9725m grant from the GLA was awarded for the Adaptive Wood Green programme which supported youth participation, air quality, high street intensification and boost to local business.
- **Tottenham Heritage Initiative:** £2.5m for shopfront improvements and upgrades to the High Road in North Tottenham, now in later phase of delivery
- **Tottenham Housing Zone** funding: £44m from the Mayor of London.
- **Green and Resilient Spaces Fund:** £790k to fund physical development and community development activities in the first phase of improvements at Down Lane Park, Tottenham Hale.

- **Strategic Investment Pot (SIP)** – this includes funding for the Northumberland Park Broadband project (£800k), Productive Valley Fund (£1.987m across three boroughs) and South Tottenham Employment Area projects (£2m)
- **GLA Good Growth Fund 1 (Wood Green):** Haringey Council was awarded a £900,000 for a set of projects called Connecting Wood Green. The project boosted community participation, delivered connectivity projects and supported businesses and the local economy.
- **Good Growth Fund 2 (Tottenham)** - £4.1m for the Enterprising Tottenham High Road programme, transforming under-utilised assets through social value uses, diversifying town centre activity and inspiring Pride in the High Road
- **Good Growth Fund 3 (Wood Green)** - £1.8m for strategic projects that include co-design with youth and a focus social inclusion, a town centre repositioning strategy, air quality and street greening.
- **Regeneration Fund** – A £2.3m allocation from MHCLG, including socioeconomic activities in Northumberland Park and Broadwater Farm
- **European Social Funding** - £484k of ESF match funding to provide additional capacity to support residents by delivering targeted employment support to those most impacted by Covid 19 and furthest from the job market
- **Creative Enterprise Zone** – £260k for creative and cultural activities in Tottenham from GLA Culture, supporting creative start-ups to grow and for local people to access employment in the sector
- **Opportunity Investment Fund** – A £2.6m programme, funded by GLA Regeneration to provide low-interest loans to local businesses, creating/improving commercial space, additional jobs and apprenticeship opportunities.
- **Heritage Action Zone** - £2.1m has been secured from Historic England in order to deliver an improved Bruce Grove town centre and empower the local community in decision-making and implementation of the works
- **Future High Street Fund (FHSF)** – £10m award of funding in March 2021 for a series of projects in Tottenham, including new and improved employment space, supporting entrepreneurial activities and investing in the long-term economic health of Tottenham High Road.
- **One Public Estate (OPE)** - £1.5m for Gourley Triangle project – to cover brownfield land release abnormal cost; £2m recently awarded for Selby Urban Village
- **High Streets For All** – A funding award of £200k for the Eat Wood Green project, to be delivered by the Future Wood Green BID.
- **Levelling Up Funding** – a £20m award as part of Round 2 for the Selby Urban Village project
- **UK Shared Prosperity Fund (Placemaking & Business Support Programme)** – A cross council programme including £363k capital to fund improvements to town centres and high streets, including better accessibility for disabled people. And £437k of revenue for business support programmes.

5.3 Each of the above funding streams come with different conditions for spend, including eligible activities, splits between revenue and capital spend, timescales, required outputs/outcomes and other conditions precedent according to signed

and agreed grant funding agreements. In all cases, accepting external grant funding requires either a Key Decision (published as a Cabinet Report or Lead Member / Leader Decision) or a Non-Key Decision (published as a delegated authority report by either the Director of Placemaking & Housing or the Assistant Director for Regeneration & Economic Development. Details for any or all of these funding agreements can therefore be provided if desired.

- 5.4 While the team has been successful in gaining external funding there are also associated risks. External funding is often insufficient to ensure project viability, especially for large sites or large capital programmes, meaning that match funding or further external funding needs to be secured. It is not always possible to meet funding conditions or deadlines, although this is often mitigated by working constructively with funders. Further challenges lie ahead in delivery terms; however each and every scheme is appraised fully before the Council becomes contractually committed to delivery in order to mitigate these challenges.

6. A new Placemaking approach – Shaping Wood Green and Shaping Tottenham

Placemaking Approach as part of the Haringey Deal

- 6.1 The [Haringey Deal](#) changes the way that the Council works – listening better, sharing power, and drawing on the passion and expertise of our communities. It sets out our ambition to listen and prioritise the relationships, to focus on what's strong, not what is wrong, to learn from our mistakes, to create space for good things to happen, and to work harder to hear the voices that are too often overlooked. To be successful, and to be delivered in partnership with our communities, our approach to Placemaking must align with the way of working set out in the Deal.
- 6.2 Placemaking activities in our communities are led by the Haringey Deal, and good Placemaking can only be achieved by being guided by the people who live there and by empowering our communities to influence large scale, longer-term change. Where the Council acts as a catalyst for wider change in an area, we continue to focus our efforts where the need and opportunity are greatest – in Wood Green and Tottenham.
- 6.3 Great places are achieved and sustained by people working together. Our diverse residents, businesses and stakeholders are an important resource. They know their local areas and how they function, what works, what doesn't, what the impacts of proposed changes may be on different groups of people, and what the opportunities are. They also offer a range of skills and resources to help deliver and manage improvements to their neighbourhoods.

Shaping Wood Green

- 6.4 Wood Green Voices was an early exemplar of the Haringey Deal approach. Carried out over the winter of 2022, it aimed to give a range of local people the opportunity to have their say on Wood Green as it is today and their ambition for what it could be like in the future. Workshops were aimed at widening the conversation and hearing a broader range of voices than previous exercises.

Participants were introduced to the Haringey Deal as the Council's commitment to a new way of working together with residents, businesses and communities, including listening better, sharing power and drawing on the passions and expertise of local people, and putting people at the heart of what the Council does.

6.5 Shaping Wood Green [[Shaping Wood Green | Haringey Council](#)] is the result of that process and was adopted and published in April 2023. It sets out a vision for Wood Green to become greener, more welcoming for people of all ages and a hub for culture. It is underpinned by:

6.6 **Six Themes for Change:** Six themes that reflect a shared idea of how to steer the changes that can be made:

1. Making Wood Green a welcoming place
2. Culture at the heart of Wood Green
3. Putting the green in Wood Green
4. Living well
5. North London's town centre for all
6. An economy to benefit everyone

6.7 **Five Placemaking Areas:** We've identified five 'Placemaking Areas' where we think there is the greatest potential for providing new community and civic facilities and places to spend time that will help transform Wood Green:

1. Cultural quarter
2. Library site
3. Station Road sites
4. Civic Centre
5. High Road and Turnpike Lane

Shaping Tottenham

6.8 The approach to Shaping Tottenham was led by an extensive strategic engagement exercise, where communities and partners were asked 'what is working well?' and 'what needs to change looking ahead?' The Tottenham Voices approach took a specific focus on how the Council engages with communities that are often under-represented, to ensure that all of Tottenham's residents were able to have their voices heard. Shaping Tottenham is due to be considered by September Cabinet.

6.9 Shaping Tottenham will guide the Council's approach to holistic placemaking in Tottenham in the years ahead. It will also inform how the Council works in partnership with external stakeholders - ranging from community groups to strategic partners, businesses, landowners and investors – and the community. It seeks to address the big challenges for Tottenham highlighted through Tottenham Voices in order to deliver a placemaking programme that both meets the concerns and aspirations of local people, and also looks to make the most of opportunities that could transform the area.

6.10 Five Themes: Shaping Tottenham focuses on the long-term outcomes the Council wants to secure for Tottenham, described under five themes which will guide positive change:

1. Identity, culture and representation
2. Strong and resilient communities
3. Healthy and sustainable neighbourhoods
4. Safe and welcoming
5. Inclusive and prosperous economy.

6.11 Five Neighbourhood Areas: Building on these themes, Shaping Tottenham describes how the Council will work in Tottenham's placemaking priority areas of Tottenham High Road; North Tottenham; Bruce Grove & Broadwater Farm; Tottenham Hale; and Seven Sisters & South Tottenham to ensure that the Council is focusing resources and intervention where it can make the greatest impact, while securing benefits that can be felt more widely across Tottenham and the Borough.

Next Steps for Placemaking programmes

6.12 Shaping Wood Green and Shaping Tottenham set out the blueprints for how we will work with our communities over the next ten years, building on the deep engagement approach taken so far and working in partnership to achieve lasting change.

6.13 Implementation of both strategies includes a commitment to ongoing participation, working with partners to take bold, collective action to address complex and cross-cutting challenges. Our proposed approach focuses on mobilising partners, setting clear, ambitious goals and being targeted in our combined actions and resources to achieve them efficiently and effectively.

6.14 Shaping Tottenham and Shaping Wood Green will be used to guide the Council's deployment of resources to placemaking, with the themes being used to underpin the approach to future funding opportunities.

6.15 Placemaking is a long-term process which is inherently complex and multifaceted. The Council is in a difficult position and resources are scarce. This means that we will need to continue to make difficult decisions about where we focus our levers and prioritise our resources where they are needed most, in order to achieve the best possible outcomes across the next 10 years of work.

7. Use of Appendices

N/A

8. Local Government (Access to Information) Act 1985

N/A

Report for: Housing, Planning and Development Scrutiny Panel, 26 September 2024

Title: **Response to Ombudsman Complaint Reference 23 016 137 (Haringey Reference LBH/14192823) in relation to planning application HGY/2022/4537**

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

Lead Officer: Robbie McNaugher Head of Development Management and Planning Enforcement

Ward(s) affected: All

**Report for Key/
Non Key Decision:** For information

1. Describe the issue under consideration

Response to Ombudsman Complaint 23 016 137 (Haringey Reference LBH/14192823) in relation to the determination of planning application HGY/2022/4537 in Crouch End Ward.

2. Recommendations

The Scrutiny Panel is asked to note this report.

3. Reasons for decision

One of the Ombudsman's recommendations in relation to this case was to "report the findings of this review to its relevant oversight and scrutiny committee". This purpose of this report is to fulfil that recommendation.

4. Alternative options considered

N/A

5. Ombudsman Complaint 23 016 137 (Haringey Reference LBH/14192823)

Background

5.1 The Council received a 'Section 73' (S.73) planning application on 23/12/2022 (reference HGY/2022/4537) in Crouch End Ward for:

Variation of condition 2 (approved drawings) pursuant to planning permission ref. HGY/2021/0583 granted on 7th May 2021 for the extension by excavation to existing basement with lightwell in association with existing ground floor flat; namely to excavate a front lightwell and insert windows to the front elevation basement level

5.2 The application was approved on 11/04/2023

5.3 This application followed two previous decisions on the site one to refuse permission (the proposed front lightwell was unacceptable) and one to approve permission (the revised proposal omitting the front light well was acceptable):

HGY/2019/0035 Excavation of existing cellar to create new basement with light wells to front and rear to create one additional studio flat – Permission refused 07/02/19

HGY/2021/0583 Extension by excavation to existing basement with lightwell in association with existing ground floor flat. Approved 07/05/2021

Relevant Legislation

5.4 An application can be made under S.73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. A S.73 application can be used to seek 'minor material amendments' to an existing permission by varying the condition which sets out the approved plans that the development should accord with.

5.5 In the application in question the application sought to vary the approved drawings set out in Condition 2 of the permission to include a front lightwell and insert windows to the front elevation basement level.

5.6 The use of S.73 has been subject to a number of court decisions namely the Finney case and more recently the Armstrong case which determined that there is in fact no requirement in the Planning Act for amendments sought through S73 to be minor.

Stage 1 Complaint

5.7 On 2/7/2023 the Council received a complaint raising several concerns that the Council had:

- 1) failed to understand what constituted the proposed 'amendment' to planning due to a fundamental misunderstanding of what planning permission was originally granted for.
- 2) failed to acknowledge objections raised by 3 local councillors
- 3) failed to address concerns from local residents about the legality of the use of s.73 to apply for an amendment that is changing the nature of the planning permission
- 4) failed to address or adhere to Haringey's policy DM18 of the Haringey DM DPD 2017 (Residential Basement Development and Light Wells)

5) gave Inadequate and time poor responses to concerns raised by us following the published decision

5.8 The Council provided a Stage 1 complaint response on 17/07/23 which accepted that the assessment of the application did not specifically address two points raised by the complainant and local Councillors. Namely that the proposal included aspects of the proposal previously refused and a failure to address concerns about the legality of the use of S.73 to apply for the changes proposed.

5.9 The response accepted that these points should have been included in the decision report's list of points raised and some narrative provided in the report to provide clarity that this was a consideration in the officer's assessment.

5.10 The response concluded that despite this, the assessment of the application was correct. The complaint referred to a key piece of case law; The Finney Case and the Council's response found that the decision was consistent with the Finney case, and more recent case law.

5.11 These court decisions found that provided a variation to the plans is not inconsistent with the operative part of the original permission then a S.73 application is appropriate.

5.12 The Council's response found that introducing a front light well under the description for HGY/2021/0583 is not inconsistent with the operative part of the permission which refers to basement excavation and lightwell.

5.13 It noted that a more recent case *Armstrong v Secretary of State for Levelling-up, Housing and Communities & Anor* [2023] found that there was no case law to support the argument that a section 73 was limited in scope to "minor material amendments".

5.14 The response found that adequate consideration has been given to Policy DM18 and apologised for delays in responding to emails.

Stage 2 Complaint

5.15 The Council received a Stage 2 complaint on 24/07/23

5.16 Requesting an independent review complaining that the Stage 1 response had not:

- explained an error on the planning officer's report and therefore failed to reassure that this error does not bely a fundamental misunderstanding by the planning officer

- demonstrated or given evidence in his answer that appropriate procedures were followed and council policies adhered to by the planning officer while assessing the amendment

5.17 The Stage 2 response was issued on 15/09/23 and accepted and apologised for the drafting error in the report noting the wording crossed out below should not have been included:

Planning permission was granted under reference: HGY/2021/0583 for the extension by excavation to existing basement with lightwell in association with existing ground floor flat; ~~namely to excavate a front lightwell and insert windows to the front elevation basement level.~~

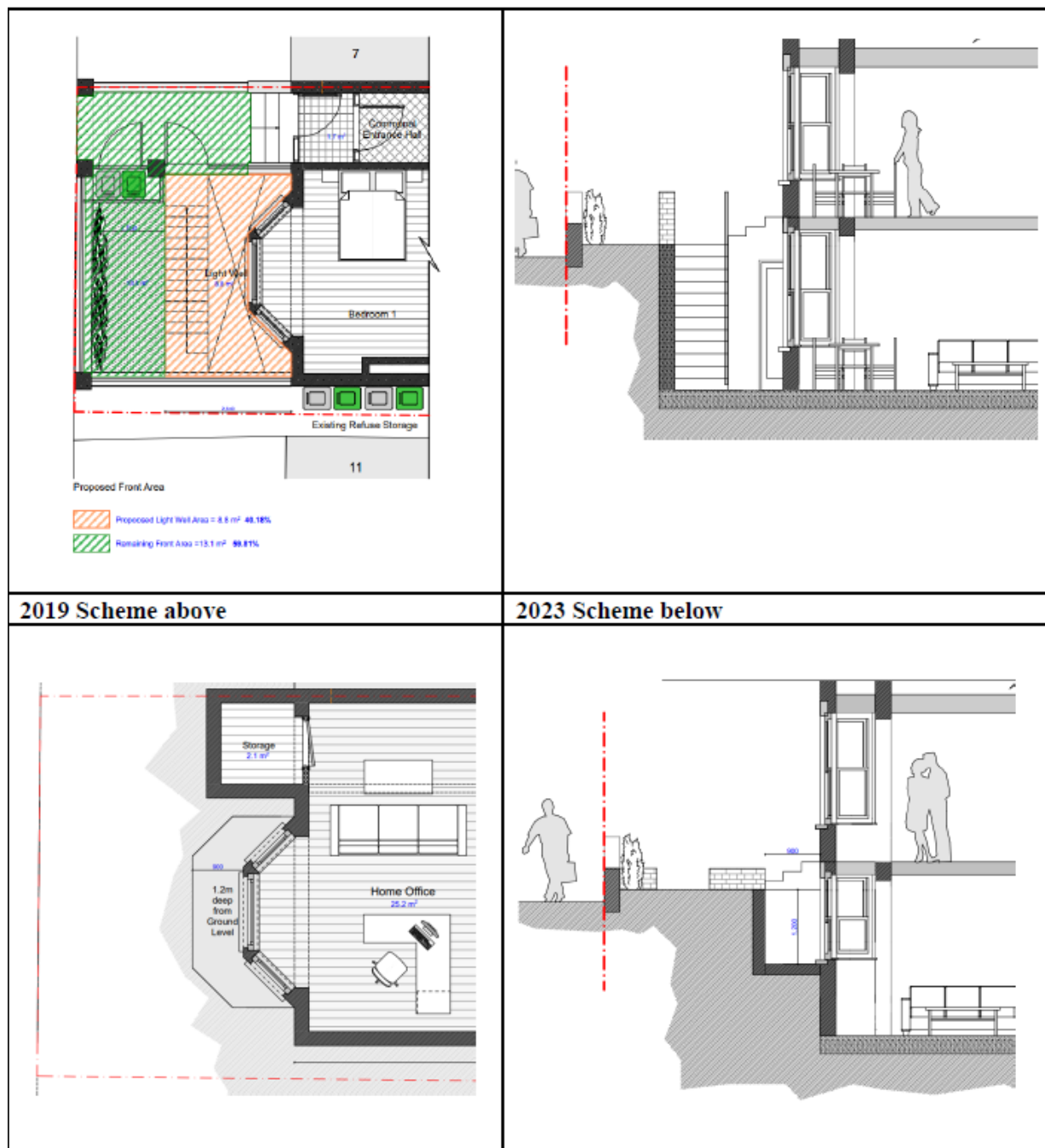
5.18 It notes that in the same paragraph of the report it is expressly made clear what is applied for and correct as set out below:

The changes are to amend the approved scheme by adding a front lightwell with the dimensions 0.9m (width) and 1.2m (depth) to the front of the dwelling house to allow natural light into the new basement bedroom.

5.19 The Stage 2 response notes that in this part of the report the position of the proposed lightwell is made clear and its dimensions expressed. It also noted that further on in the officer's report, the reasons why this lightwell was acceptable are clearly set out.

5.20 In this respect the Stage 2 response noted that whilst the complainant argued that officers only assessed the impact of the lightwell and not the window contained within the structure of this lightwell, the drawings submitted clearly show that there is a window. Considering the interpretation of what a lightwell is, namely an architectural feature used to take natural light into the interior space of a building, it must be expected that there would also be a window.

5.21 The Stage 2 response noted that as shown in the extract from the drawings below the lightwell approved (with associated window within) is smaller/ more discrete than that refused under HGY/2019/0035 and is materially different in terms of dimensions and how it would have appeared in the street.



5.22 The Stage 2 response concluded that in the officer's report the relevant planning material considerations were identified and discussed, in the context of the relevant policies and the substance of the objections received, with a planning judgement made to approve permission subject to conditions. The report here was concise and focused on the change in question, which is a proportionate approach.

5.23 With regard to concerns raised that the making of an amendment via the route of S73, the Stage 2 response accepted that the description of the previous approval (ref: HGY/2021/0583) referred to 'lightwell' in the singular as opposed to the plural form. However, it found that this does not preclude the addition of a lightwell to the front and to the rear, specifically as it does not lead to a material change from the operative description of the development permitted. Rather, the description of the

permitted development can remain intact, in that there isn't conflict between what was specified in the description and what subsequently shown in the approved drawings.

5.24 The Stage 2 response concluded that whilst accepting (and apologising for) the drafting error, due process was followed in considering the application and no fault was found.

Ombudsman Decision

5.25 The complaint was escalated to the ombudsman who contacted the Council on 22/02/24. Following discussions with the Council the Ombudsman decision was issued on 28/06/24.

5.26 The Ombudsman's Decision was as follows:

X complained about the Council's failure to take account of relevant case law before it granted permission for an application to vary plans it had already approved. We found fault because there was no evidence to show the Council considered an objection about a key planning issue. The Council agreed to remedy the injustice caused by the fault and to carry out a review that might help avoid the same fault happening again.

To remedy the injustice caused by the fault they found and to avoid recurrence, the Council agreed to the following remedy:

- a) apologise to X for the frustration, disappointment and unnecessary time and trouble it has caused within one month of this decision.*
- b) review what has happened and decide whether any changes to practice and procedure or additional training are necessary. The review will include consideration of the Finney case and its application to variation applications within three months of this decision.*
- c) report the findings of this review to its relevant oversight and scrutiny committee. This will happen within one month from date the Council completes the service review agreed in the above paragraph.*

5.27 On 24/07/24 the Council issued a formal apology to the complainant which has remedied point a).

5.28 With regard to point b) and c). The Council has reviewed the case and found the following errors:

- Omission of 3 Councilors' representations
- Omission of a direct assessment of the proposal in light of the Finney and Armstrong Cases

- The body of the report contained a drafting error in the description of the proposal
- The assessment should have directly compared the proposal to the previous refusal as this decision was a key material consideration

5.29 With regard to the Finney Case, officers consider that whilst the decision was correct, there were clearly errors and omissions in the report and ultimately the Council cannot evidence that the assessment was infallible.

5.30 The assessment should have considered whether the introduction of a front lightwell modified the operative part of the development particularly in direct response to the representations raised that were not acknowledged. Where the description of development is in conflict with a proposed amendment it is amended through a non-material amendment application prior to the consideration of a S73 application.

5.31 A plain reading of the description of development would be that a lightwell means one lightwell rather than two or more. However it is arguable that as a lightwell was already in the description the S73 amendment was not inconsistent with the operative part of the development.

Remedy

5.32 The omission of the objections was a human error. Whilst it is difficult to ensure this will never happen again. The Council has taken steps to ensure the chances of such an error occurring are minimised. Firstly by reminding all relevant officers to ensure all representations are noted and addressed in planning application reports, this took place at a team meeting on 05/09/24. Secondly all officers and managers reviewing reports and issuing decisions under delegated powers were reminded to check all representations were noted and addressed as part of their review. Finally as part of the induction of new staff the importance of noting and addressing all representations will be noted.

5.33 Training will be provided by a Barrister to all officers on recent case law around S73 on 12/09/24 to broaden the understanding within the team on how to consider such applications. This will ensure officers are fully aware of the key legal tests to be considered.

5.34 These actions are considered sufficient to remedy the issues that have arisen in this application.

6. Contribution to strategic outcomes

- 6.1 A key element of the Haringey Deal is “Getting the Basics Right”, to ensure everyday interactions with the Council have to be as easy, effective and supportive as possible.

7. Use of Appendices

Appendix 1 - Ombudsman decision

8. Background Documents

None

9. Local Government (Access to Information) Act 1985

N/A

28 June 2024

Complaint reference:
23 016 137

Complaint against:
London Borough of Haringey

The Ombudsman's final decision

Summary: X complained about the Council's failure to take account of relevant case law before it granted permission for an application to vary plans it had already approved. We found fault because there was no evidence to show the Council considered an objection about a key planning issue. The Council agreed to remedy the injustice caused by the fault and to carry out a review that might help avoid the same fault happening again.

The complaint

1. The person that complained to us will be referred to as X.
2. X complained about the Council's decision to vary a planning application it approved for development on land next to X's home.
3. X said the case officer report for variation application was fundamentally flawed and this called the legality of the Council's decision into question.
4. X also complained that objections from local councillors were not taken into account before a decision was made.

The Ombudsman's role and powers

5. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused significant injustice, or that could cause injustice to others in the future we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
6. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (Local Government Act 1974, section 30(1B) and 34H(i), as amended)

How I considered this complaint

7. I read the complaint and discussed it with X. I have also discussed the issues raised in the complaint with a planning officer.
8. I read the Council's response to the complaint and considered documents from its planning files, including the plans and the case officer's report.

9. I read the Court of Appeal case X referred to, which is *Finney v Welsh Ministers* [2019]).
10. I gave the Council and X an opportunity to comment on an earlier draft of this decision and took account of the comments I received.

What I found

Planning law and guidance

11. Councils should approve planning applications that accord with policies in the local development plan, unless other material planning considerations indicate they should not.
12. Planning considerations include things like:
 - access to the highway;
 - protection of ecological and heritage assets; and
 - the impact on neighbouring amenity.
13. Planning considerations do not include things like:
 - views over another's land;
 - the impact of development on property value; and
 - private rights and interests in land.
14. Councils may impose planning conditions to make development acceptable in planning terms. Conditions should be necessary, enforceable and reasonable in all other regards.
15. Most planning approvals relating to development will include a condition requiring compliance with approved plans. If after approval is granted, applicants want to carry out development without complying with planning conditions, they can apply to remove or vary the original condition. The Council will then decide whether to grant permission to change obligations required in the original application.
16. Not all planning decisions are made by council planning committees. Councils may delegate decisions to planning officers to make some decisions, restricted to circumstances set out in delegation schemes. Delegation schemes are found in a council's constitution.
17. Details of how a council considered an application are usually found in planning case officer reports. The purpose of the case officer's report is not merely to facilitate the decision, but to demonstrate the decisions were properly made and due process followed. Without an adequate report, we cannot know whether the council took proper account of the key material planning considerations or whether judgements were affected by irrelevant matters.
18. However, the courts have made it clear that case officer reports:
 - do not need to include every possible planning consideration, but just the principal controversial issues;
 - do not need to be perfect, as their intended audience are the parties to the application (the council and the applicant) who are well versed of the issues; and
 - should not be subject to hypercritical scrutiny, and do not merit challenge unless their overall effect is to significantly mislead the decision maker on the key, material issues.

19. I read the Finney case that X (and it would appear one of the councillors) referred to and sought advice on my understanding of the court's findings from the Ombudsman's lawyers.
20. An application under section 73 of the Town and Country Planning Act 1990 may allow a developer to apply to carry out development without complying with conditions in original the approval. In other words, this section can be used to vary approved plans.
21. The Finney judgement says that applications to vary planning permissions under section 73 may not be used to obtain a permission that would vary the terms of the 'operative' part of the original permission. The operative part of the permission is the description of the development for which the original permission was granted.

What happened

22. Several years ago, X's neighbour applied for planning permission for development on their land. This proposal included development at the front and rear of the property and created a separate dwelling. The Council refused this application.
23. A few years later, the neighbour applied for planning permission for a similar proposal. The proposal was for development at the rear of the property but did not create a separate dwelling. The Council approved this application.
24. More recently, the neighbour applied to vary approved plans by adding development at the front of the property.
25. The planning application to vary plans was considered by a case officer, who wrote a report which included:
 - a description of the proposal and site;
 - a summary of planning history considered relevant;
 - a summary of comments from neighbours;
 - details of planning policy and guidance considered relevant;
 - an appraisal of the main planning considerations, including design and appearance, impact on residential amenity and policy relating to the specific type of development; and
 - the officer's recommendation to approve the application, subject to planning conditions.
26. The planning file shows objections from the public and several councillors. Most of the issues raised by the councillors are addressed in the report, but the following were not. These are:
 - The proposal in the variation application was put forward as a minor amendment but was in fact a fundamental change and a change to the description of the original application, so a full application should have been made.
 - Case law explicitly prohibits this practice.
27. The application was approved by a senior officer using delegated authority.
28. I checked the Council's records to look for evidence to show that the councillors' objections, particularly those set out in paragraph 26 above, were taken into account.

29. There was no mention in the case officer report of the Finney case, or the comment on the councillor's suggestion that the variation application conflicted with its findings.
30. The description for the original development on land next to X's home, included a proposal for a single opening, which plans showed was at the rear of the building. The variation application added an additional opening at the front of the building. The additional opening to the building was not part of the original application or included within the description of that development.

X's complaint and the Council's response

31. X complained to the Council about its decision to approve the variation application. X said:
- the case officer's report contained a fundamental error, because it said the original approval had granted development at the front of the property, when it had granted development at the rear;
 - the variation decision was unlawful because it changed the nature of the development, by adding a feature that was not included in the original approval and had been refused several years ago. In making their complaint, X referred to a case decided by the Court of Appeal, *Finney v Welsh Ministers* [2019];
 - the Council did not take into account objections made by local councillors before it made its decision to approve the application.
32. In response to X's complaint the Council:
- accepted there was an error in the case officer report. When describing the original approval, the case officer referred to development that had been approved at the front of the property, when in fact it was the rear. The proposal to vary the plans related to development at the front;
 - disagreed with X's interpretation of its powers to vary or remove planning conditions and the application of the Court of Appeal's judgment in the Finney case.
33. I discussed what had happened with a planning officer, who told me:
- In the officer's view, there was no conflict with the findings in the Finney case, because the description for the original application referred to an opening, but it did not say whether it was at the front or rear of the building.
 - There was no evidence to show the law relating to variation of applications as explained in the Finney case was considered before a decision was made.
 - In the Council's view, its approval for the variation application has lapsed, so the development cannot proceed without a further application. The officer went on to say that the developer did not agree their approval had lapsed but had agreed to submit a further application.
34. Since my conversation with the planning officer, the neighbour did submit a new planning application for the proposed development. I looked at the application on the Council's planning portal. The description for this application includes openings at the front and the rear of the building. The Council has not yet decided this application.

My findings

35. We are not a planning appeal body. Our role is to review the process by which planning decisions are made. We look for evidence of fault causing a significant injustice to the individual complainant.
36. Before a decision was made, a councillor made an important and specific objection to the Council about the variation application. The councillor suggested a variation application was not appropriate because:
- this was not a minor amendment; and
 - there was case law on this issue and the application conflicted with it.
37. In my view it is clear that this objection was about principle and controversial issues, and so I would expect the case officer report to refer to the objection and provide some analysis of how it affected their judgement and recommendation. This did not happen and the absence of evidence of consideration of a key planning matter is fault.
38. Where we find fault, we must consider whether it caused an injustice we should remedy.
39. The development has not gone ahead and a decision on the new planning application has not been made. Because of this, I cannot say the Council's decision to approve the variation application will have any direct impact on X. However, the way the Council dealt with the case and X's complaint about what has happened will have caused them frustration, disappointment and unnecessary time and trouble in bringing their complaint to our attention. I will recommend an apology for the injustice caused to X by the fault I found.
40. The fault I found could happen again, and the consequences could be costly to the parties, and disruptive to both the planning service and other individuals who could be affected.
41. Because of this, I recommended a remedy to address the injustice caused by the fault I found and to avoid recurrence of similar fault in future. The Council agreed to accept my recommendations. It also said it would seek legal advice before completing the review.

Agreed action

42. To remedy the injustice caused by the fault I have found and to avoid recurrence, the Council has agreed to the following remedy:
- a) It will apologise to X for the frustration, disappointment and unnecessary time and trouble it has caused. This will happen within one month of this decision.
 - b) It will review what has happened and decide whether any changes to practice and procedure or additional training are necessary. The review will include consideration of the Finney case and its application to variation applications. This will happen within three months of this decision.
 - c) It will report the findings of this review to its relevant oversight and scrutiny committee. This will happen within one month from date the Council completes the service review agreed in the above paragraph.
43. The Council will provide us with evidence it has complied with the above actions.

Final decision

44. I found fault that caused an injustice and might happen again. I have completed my investigation because the Council accepted my recommendations.

Investigator's decision on behalf of the Ombudsman