

**Report for:** Strategic Planning Committee 13 November 2023

**Title:** Planning and Building Control 2023/24 Q1-2 Update

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

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

Bryce Tudball, Interim Head of Planning Policy, Transport & Infrastructure

Bob McIver, Head of Building Control

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

**Report for Key/**

**Non Key Decision:** For information

- 1. Describe the issue under consideration**  
A report on the work of the Planning and Building Control services to September/October 2023.
- 2. Recommendations**  
That this report be noted.
- 3. Reasons for decision**  
Not applicable.
- 4. Alternative options considered**  
This report is for noting and as such no alternative options were considered.
- 5. Planning and Building Control 2023/24 Q1-2 Update**

## Planning cross-cutting matters

### Planning Peer Review

- 5.1 Further to the Council's Corporate Peer Review held in Spring 2023, the Planning service hosted an external "Planning Peer Review" from 17-19 October 2023.
- 5.2 We are always looking at ways of receiving feedback on, and improving, our services and so we invited the Peer Review to the borough. We are always keen to hear from our key stakeholders as part of the Haringey Deal to improve the way we work.
- 5.3 The Peer Review was ran by the Local Government Association Planning Advisory Service (LGA PAS). It is not an inspection and more of a 'health check' for constructive challenge and 'critical friend' advice. Recent similar reviews in London Boroughs have included at Westminster (September 2018), Kensington & Chelsea (September 2019) and Croydon (June 2022).
- 5.4 The expert "Peer Review Team" comprised:
- **Steve Barker**, Principal Consultant, Planning Advisory Service (PAS)
  - **Cllr Danny Beales**, Cabinet Member for New Homes, Jobs & Community Investment, LB Camden
  - **Marilyn Smith**, Head of Planning & Assurance, LB Barking & Dagenham
  - **Sarah Scannell**, Assistant Director of Planning, Birmingham City Council
  - **Jon Palmer**, Head of Planning, Milton Keynes Council
- 5.5 The Peer Review was solely focused on the Local Planning Authority (LPA) functions regarding planning policy, planning applications and planning enforcement, but invited stakeholders from across different services and from external partner organisations, including:
- Residents groups
  - Developers
  - Architects & agents
  - GLA & TfL representatives
  
  - Leader of the Council
  - 3x Cabinet Members
  - Chair of Planning Committee
  - Chair of Overview & Scrutiny Committee
  - Planning Committee Councillors
  - All Councillors
  
  - Chief Executive
  - Director Placemaking & Housing
  - Assistant Director Planning, Building Standards & Sustainability
  - Head of Development Management & Enforcement
  - Head of Planning Policy, Transport & Infrastructure

- Head of Building Control
  - Business Performance & Monitoring Manager
  - Development Management Team Managers and Officers
  - Planning Enforcement Officers
  - Conservation & Design Officers
  - Planning Policy Officers
  - Climate, Sustainability & Transport Officers
  - Housing, Capital Projects & Property, Regeneration, Customer Service, Finance and Highways Officers
- 5.6 One of the Peer Review Team also observed the Planning Sub Committee meeting on 11 September 2023.
- 5.7 Planning Peer Reviews focus on 5 themes:
1. **Vision and leadership** - how the authority demonstrates leadership to integrate planning within corporate working to support delivery of corporate objectives
  2. **Performance and Management** - the effective use of skills and resources to achieve value for money, and the effectiveness of processes (and the roles of officers and members) in decision-making on development proposals.
  3. **Community engagement** – how the authority understands its community leadership role and community aspirations and uses planning to help deliver them.
  4. **Partnership engagement** – how the authority works with partners to balance priorities and resources to deliver agreed priorities.
  5. **Achieving outcomes** - how well the service leverages national and local planning policy to deliver the sustainable development and planning outcomes its community requires.
- 5.8 In addition the Council asked the Peer Review Team to also consider how the Planning Service is seen in light of:
- **The Corporate Peer Review** (Spring 2023)
  - **The Haringey Deal**
  - **The Corporate Delivery Plan**
  - **Value for money & efficiencies**
  - **Developer perspective**
- 5.9 The Planning Peer Review report is expected to be received in November 2023 and will be reported to the Strategic Planning Committee at the next opportunity. A 6-month follow-up to check-in on progress of implementing actions arising is expected in April 2024.

## Pathways to Planning graduate scheme

- 5.10 In June 2023 the Government announced a new 'Pathways to Planning' graduate scheme to encourage more people into the planning profession and the local planning authorities.
- 5.11 The scheme is run by the Local Government Association (LGA) and is very similar to the National Graduate Development Programme (NGDP) which the LGA also delivers and the Council is part of.
- 5.12 The scheme covers all marketing and recruitment costs (which are targeted locally) and provides an educational bursary to fund graduates' Royal Town Planning Institute (RTPI) accredited part-time Masters degree (at a maximum value of £10,000 per graduate). The salary is paid by Councils and must be a minimum of £26,000 + London weighting in London. Graduates are employed on a 3-year minimum contract.
- 5.13 Haringey has been successful in being selected to take part in Cohort 1 with recruitment currently underway with an expected start date of April 2024.

## Planning Skills Delivery Fund

- 5.14 In July 2023 the Government announced a new 'Planning Skills Delivery Fund' where local planning authorities could bid for up to £100,000 for:
- **Backlog funding** – planning applications which have not been determined by their statutory deadline
  - **Skills funding** – to address skills gaps in local planning authorities e.g. design, conservation, transport, landscape, ecology, waste, viability etc
- 5.15 In September 2023 the Council submitted a bid for the Fund for £75k for backlog funding for the Development Management service and £25k for skills funding for the Planning Policy team.
- 5.16 The Government was expected to announce the successful bids in October 2023 but at the time of writing an announcement had not been made. The Strategic Planning Committee will be updated at the next opportunity, including regarding performance monitoring should our bid be successful.
- 5.17 If successful the Council needs to achieve the expected outcomes and spend the £100k by the end of March 2024.

## Biodiversity Net Gain (BNG)

- 5.18 The Environment Act 2021 introduced 'Biodiversity Net Gain' (BNG) and the Government has been working on the phased implementation of its detailed requirements.
- 5.19 Until recently the timetable was for major developments to be required to deliver 10% BNG from November 2023 but in September 2023 the Government announced this has been pushed back to January 2024, so the overall phased implementation timetable is as follows:
- January 2024 – BNG for major developments
  - April 2024 – BNG for small sites
  - TBC 2025 – BNG for Nationally Significant Infrastructure Projects
- 5.20 Officers will ensure that the correct requirements relevant to a planning application at the time of any decision are included and explained in reports to Planning Sub Committee. Other policies such as in the adopted Local Plan and London Plan (e.g. Urban Greening Factor) still currently apply and officers will always advise Committee on the balance of requirements.

## Levelling Up & Regeneration Act 2023

- 5.21 The Levelling Up & Regeneration Bill received royal assent<sup>1</sup> and became an Act on 26 October 2023. The Act is primary legislation and includes a range of new provisions regarding planning, however, most is subject to more detailed secondary legislation / regulations or later commencement dates. Officers will update Committee as more detailed provisions are consulted on or come into effect.

---

<sup>1</sup> [www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up](https://www.gov.uk/government/news/new-laws-to-speed-up-planning-build-homes-and-level-up)

## Development Management & Enforcement

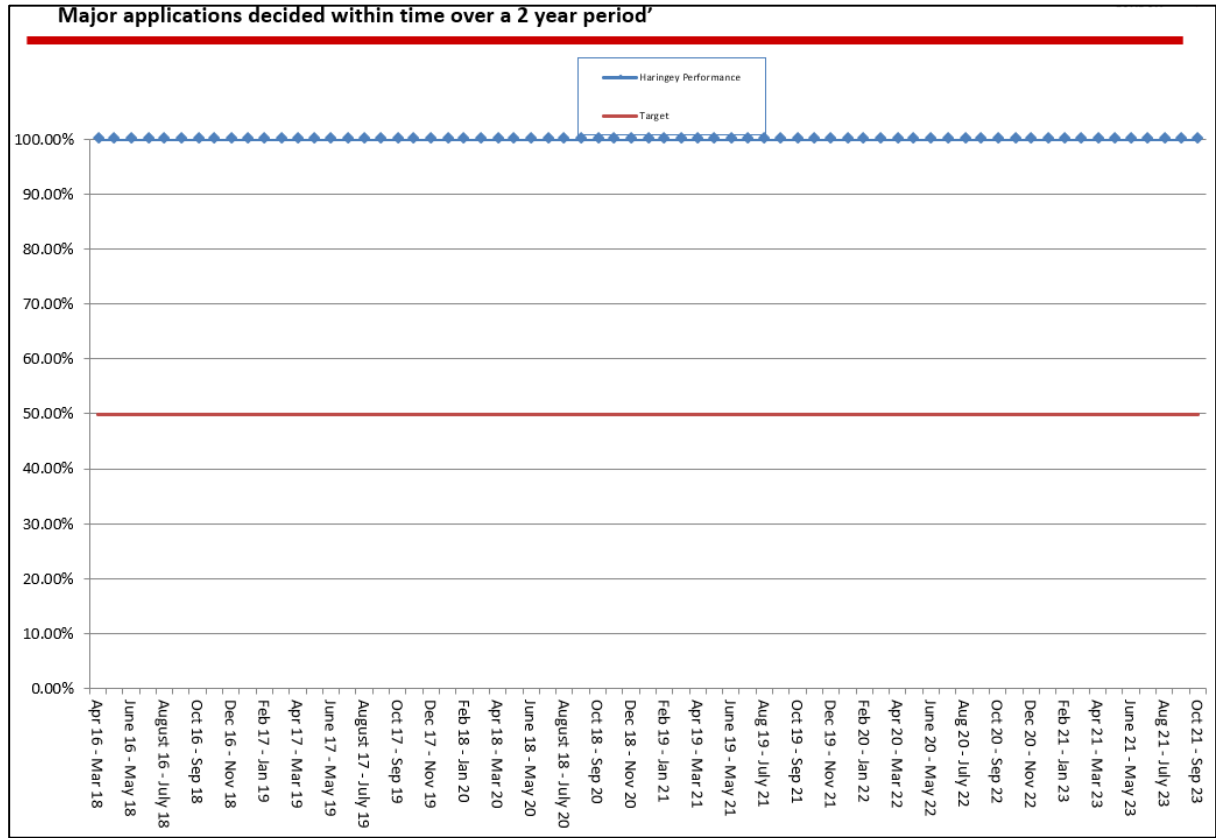
### Performance overview

- 5.1 An overview of performance is as follows. **Appendix One** explains the categories of applications.
- Applications received during 2023/24 (1<sup>st</sup> April – 30th Sept): **1,674**
  - Applications received during same period 2022/23: **1,613**
  - Number of cases on-hand end of Sept) 2023: **725**
  - Number of cases on-hand end of Sept 2022: **833**
  - Appeals decided during 2023/24 (1<sup>st</sup> April – 30th Sept): **27**
  - Appeals decided during same period 2022/23: **57**
  - Appeals dismissed (won) during 23/24 (1<sup>st</sup> April – 30th Sept): **18 (69%)**
  - Appeals dismissed (won) during same period 2022/23: **50 (88%)**
  - Cumulative performance (applications in time) 2023/24 (1<sup>st</sup> April – 30th Sept)
    - **Majors: 100%**
    - **Minors: 85%**
    - **Others: 86%**
    - **PS1 Only: 92%**
    - **Decisions excluded from statutory figures: 72%**
- 5.2 As set out above performance is at 100% for 'Majors' applications. Our performance for 'Minor' applications has improved slightly for the year to date. Appeal performance has declined but still remains high.

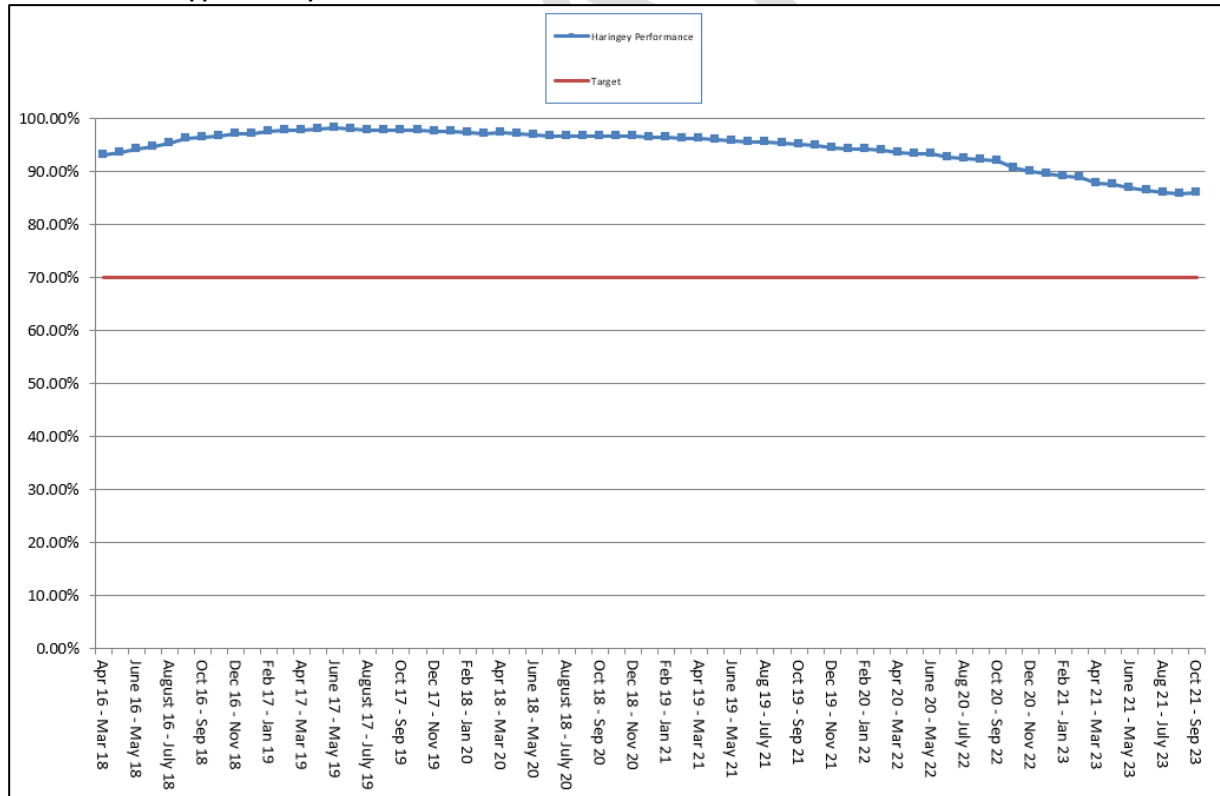
	2019/20	2020/21	2021/22	2022/23	2023/24
<b>Majors</b>	100%	100%	100%	100%	100%
<b>Minors</b>	94%	95%	90%	80%	85%
<b>Others</b>	96%	97%	91%	87%	86%
<b>PS0+ PS1</b>	91%	91%	91%	87%	92% (PS1 only)
<b>PS Exclude</b>				73%	92%

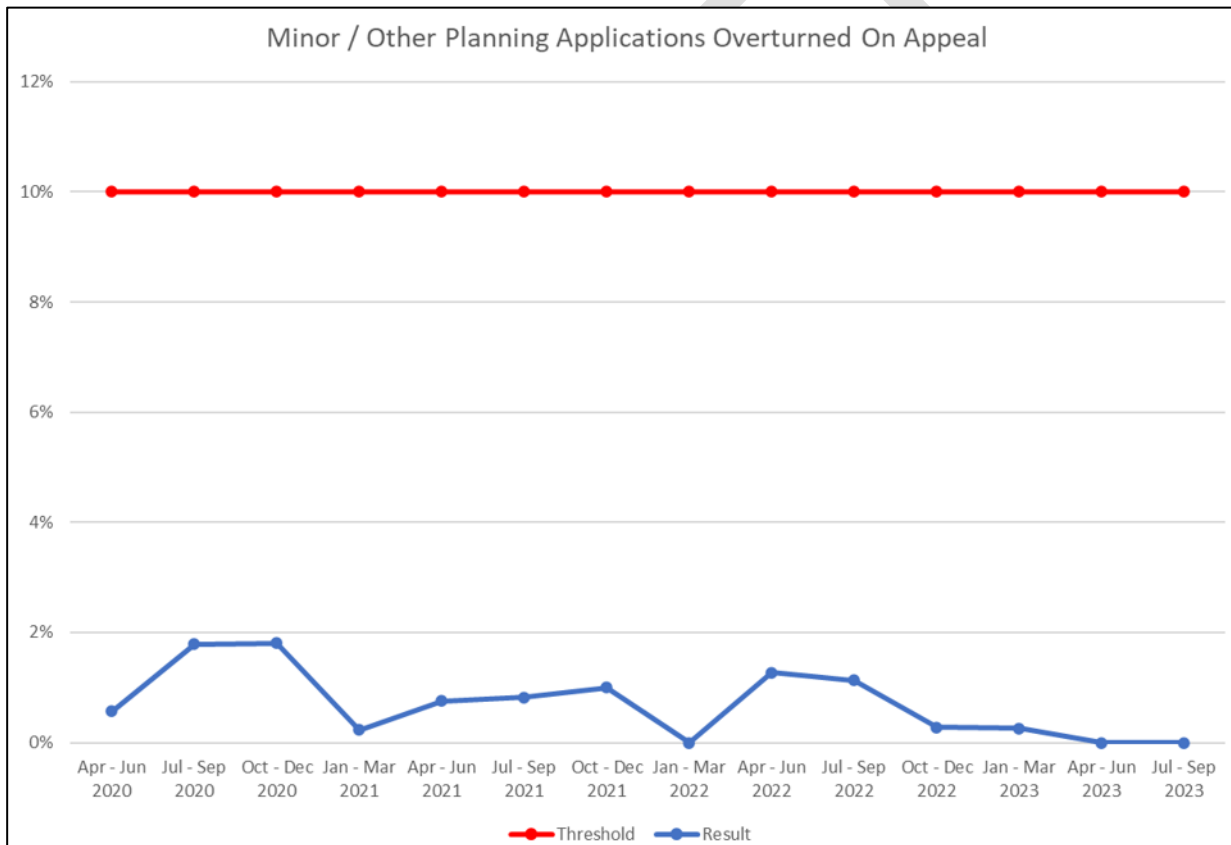
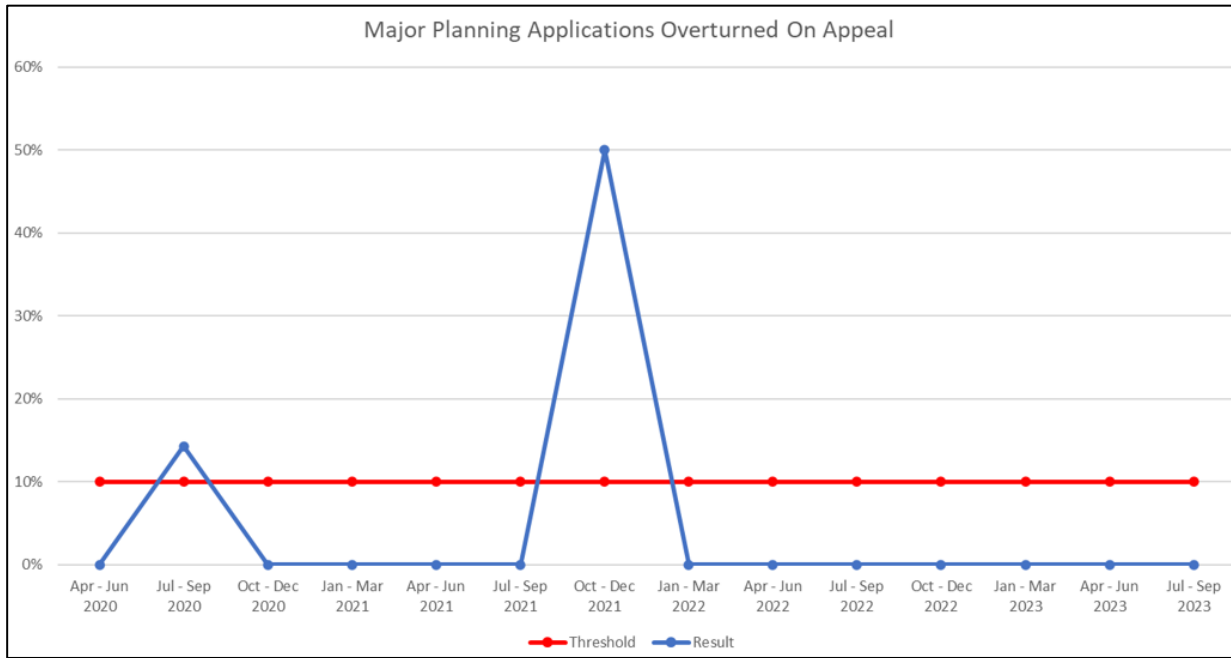
Cumulative Performance. As of Sept 2022/23 'PS1' and 'PS Exclude' figures are reported separately within the new Arcus system. Prior to that both PS1 and PS Exclude were reported as a single return under 'PS0'

- 5.3 The Government has three measures of application performance which the Council must remain within thresholds for. If we breach these thresholds we may be designated as a poorly performing planning authority and developers will then have the option of applying directly to the Planning Inspectorate for planning permission. This would mean that we don't get the fee income for that application but we are still required to undertake the consultation. In addition we lose the democratic right to determine the application. These are (assessed over a two-year rolling period):
- Majors applications performance at least 50%
  - Minor and Other applications performance at least 70%
  - Appeals lost (below 10% in both categories)



### Minor and Other applications performance







5.4 For 2023/24 we have decided the following:

- **10 ‘Major’** applications (compared to the 7 during the same period last year)
- The average time of decision has increased from 331 to 433 days but all have been subject to planning performance agreements or extensions of time due to the need for S106 agreements on applications of this scale.

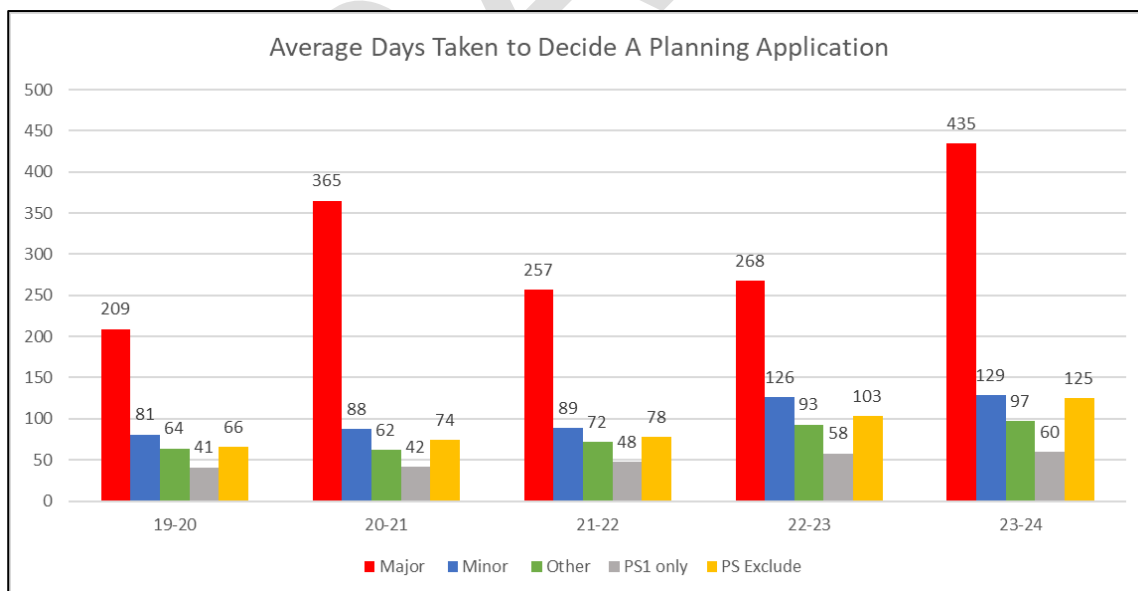
	19/20	20/21	21/22	22/23	23/24
No. of Major Apps decided	19	20	15	16	10

**Major applications decided over past five years**

- **97 ‘Minor’** applications (compared to the 66 ‘Minor’ applications last year)
- The average decision time has decreased from 139 days to 130 days
- **199 ‘Other’** applications (compared to the 294 ‘Other’ applications last year)
- The average decision time has increased from 91 days to 104 days (a result of efforts to clear some backlog applications)

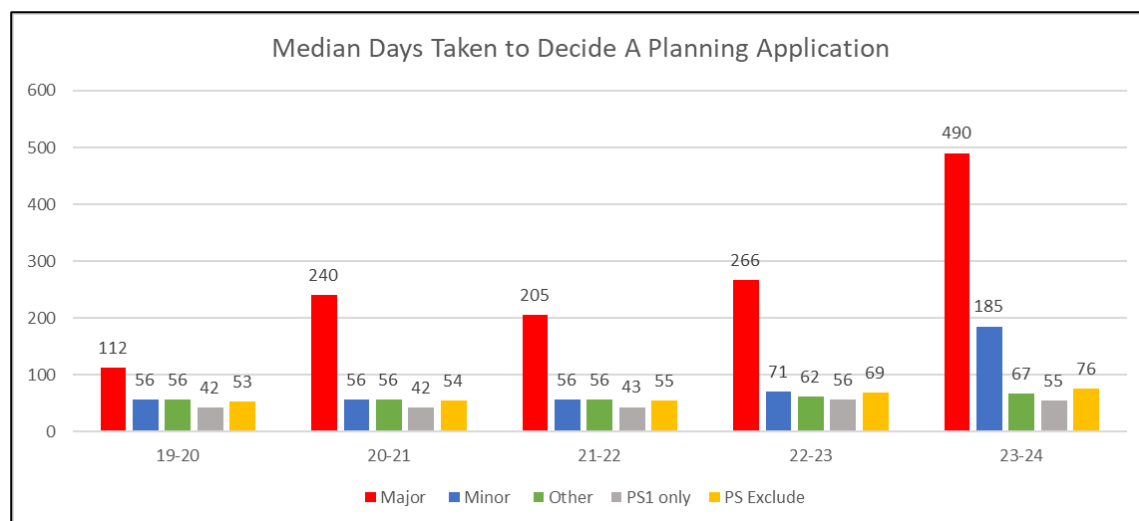
**Average and Median days to decision 23/24 - (April 23 – September 23)**

	Average Days to Decision	Median Days to Decision
Major	435	490
Minor	129	85
Other	97	67
PS1 only	60	55
Exclude	125	76



**Average and Median days to decision 23/24 - (April 22 – March 23)**

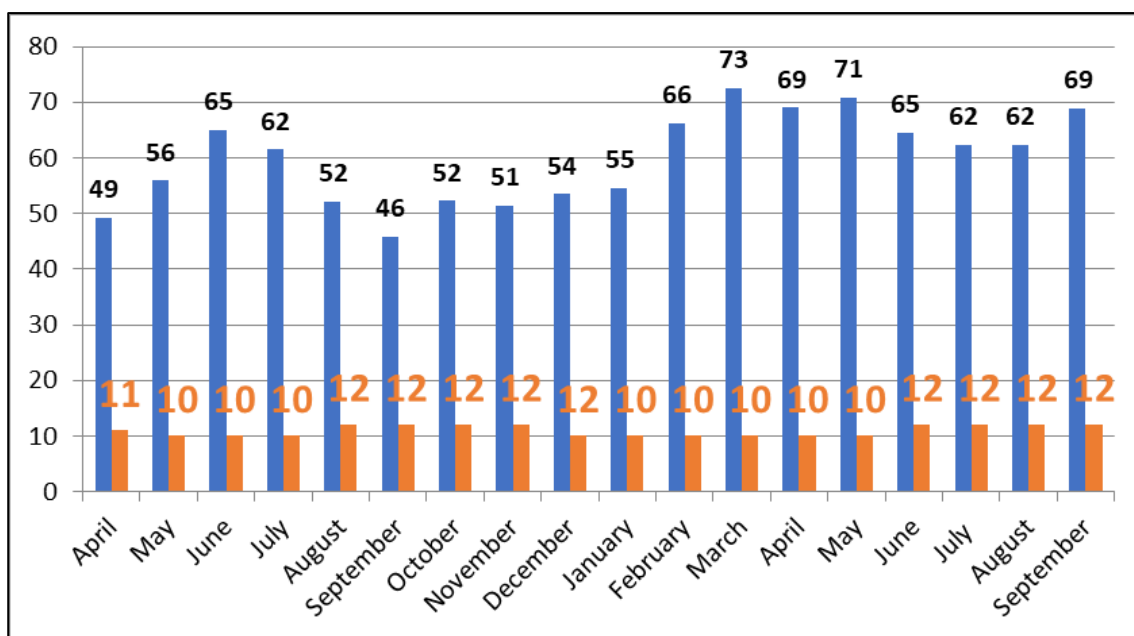
	Average Days to Decision	Median Days to Decision
Major	268	266
Minor	126	71
Other	93	62
PS1 only	58	56
Exclude	103	69



- 5.5 The length of time taken to validate an application is at an average of 17 days, decreased from 35 days due to faster allocation of applications.
- 5.6 The end to end times and the overall numbers of applications received, approved, and refused over previous years is set out below. Reducing the current backlog may continue to increase end to end times:

	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
<b>Received</b>	3094	3308	3375	3385	1674
<b>Approved</b>	2576 (89%)	2590 (85%)	2535 (84%)	2533 (88%)	1226 (87%)
<b>Refused</b>	314 (11%)	475 (15%)	499 (16%)	333 (12%)	177 (13%)
<b>Total decided</b>	2,890	3,065	3,034	2866	1403

5.7 Officer caseloads are at around 69 per officer in Q2 of 2023/24 financial year, which has increased from 46 last year due to the backlog.



5.8 After rising over previous years the number of on hand applications has now levelled off and is broadly the same as this time last year. As of the end of Sept 2023, there were 833 pending valid applications (up from 828 on this time last year). There are also a substantial number of applications not yet validated or registered and the new system allows for greater monitoring of this figure which is currently 156 'new' applications. Giving a total of 855 pending planning applications. This backlog of applications is a concern and has accumulated due to the implementation of the new system and recruitment delays leading to staff shortages. There is now a significant effort to address this, in August the team made significant progress in reducing the number of applications and has continued to determine more applications than have been received in September so the backlog should continue to reduce.

5.9 The number of applications over 26 weeks is now at around 315. This is an increase from 233 at the end of September 2022. Many of these cases are complex or awaiting section 106 sign off or approval of details applications for major developments requiring detailed discussions with consultees but many are due to the current backlog. With new staff in place significant efforts are now being made to reduce this.

### Pre-application advice

5.10 During 2023/24 there have been:

- 77 pre-application meetings (same period last year: 101) generating a total of £136,250 in income (same period last year: £163,976)
- 39 householder pre-application meetings (same period last year: 56) generating £17,264 in income compared to (same period last year: £23,559)

- 5.11 The use of Planning Performance Agreements (PPAs) until the end of September 2023 has generated £271,808 in income, compared to £281,205 last year with a further £329,182 still to be received.
- 5.12 Express householder written advice, fast-track certificate of lawfulness and new fast-track application services have proved popular with customers whilst increasing income for the service. Until the end of Sept 23 we have received:
- 16 instances of Express Pre-applications generating a total of £5,090.
  - 11 instances of Fast Track Certificate of Lawfulness applications generating a total of £8,040.
  - 8 instances of Fast Track Householder applications generating a total of £6,352.

### Planning Decisions

- 5.13 The final government threshold relates to overturns of refusals (officer and committee) on applications on appeal. We are at 1% on minor / other applications.
- 5.14 For major applications the measure for quality of planning decisions is the percentage of the total number of decisions made that are then subsequently overturned at appeal, once nine months have elapsed following the end of the assessment period.
- 5.15 The nine months specified in the measure enables appeals to pass through the system and be decided for the majority of decisions on planning applications made during the assessment period. The assessment period for this measure is the two years up to and including the most recent quarter for which data on planning application decisions are available at the time of designation, once the nine months to be allowed for beyond the end of the assessment period is taken into account. The average percentage figure for the assessment period as a whole is used.
- 5.16 The threshold for designation on applications for both major and non-major development, is 10% of the total number of decisions on applications made during the assessment period being overturned at appeal. This is calculated as an average over the assessment period.
- 5.17 The Department for Levelling Up, Housing and Communities has confirmed that we have avoided designation this period (2019-21) achieving a figure of 2.7%.
- 5.18 For the 2023 designation period (2020-22) we will not be designated.
- 5.19 Haringey's performance for 2019/21 and 2020/22 is as follows:

Type of application	Number of apps	Number of overturns	% (Threshold 10%)
Majors 19/21	37	1	2.7%
Majors 20/22	35	1	2.9%

- 5.20 With the introduction of increased planning fees the government will be reducing the Planning Guarantee time from 26 to 16 weeks.
- 5.21 The government has recently consulted on further performance measures looking more widely at quantitative and qualitative performance. Proposed measures include measuring average speed of decision making, validation times, use of extensions of time and planning enforcement performance and potentially customer feedback. They have indicated that there would be a grace period to allow the associated increase in planning fee income to enhance performance before these measures will be put in place.

### Planning Enforcement

- Enforcement complaints received during 2023/24: 292 compared to the 370 Enforcement complaints received last year.
  - Enforcement notices served during 2023/24: 25 compared to the 26 Enforcement notices served during the same period last year.
- 5.22 Of the complaints 51% were acknowledged within one working day of receipt. This measure is down from 66% last year, as a result of staff shortages in the Customer Services team. The Planning Enforcement Team has a target to make a decision on all enforcement complaints within 8 weeks.

Cases received in Calendar Year 2023 = 451  
Cases not decided within 8 weeks in Calendar Year 2023 = 91  
Decided within 8 weeks = 80%  
Not decided within 8 weeks = 20%

Cases received in Financial Year 2023/24 = 319  
Cases not decided within 8 weeks in Financial Year 2023/24 = 70  
Decided within 8 weeks = 78%  
Not decided within 8 weeks = 22%

- 5.23 The performance has been affected by a number of factors such as, current high workloads due to backlogs caused by the loss to the team of a senior and experienced staff member over the past year, and some officers have not been updating the relevant fields in the new system though in many cases they have undertaken the initial investigation and in some cases have even issued enforcement notices. As such a weekly reminder has now been set up on the new system and circulated in advance of the 8 week decision. The more junior and less experienced staff member continues to be mentored and the under-performing staff is being supported. This should lead to an improvement in the 8 week decision performance.
- 5.24 The Planning Enforcement Team continues to seek prosecutions against owners who have failed to comply with existing enforcement notices. In addition to the prosecution proceedings, there has been a concerted effort in securing confiscation sentences under the provisions of the Proceeds of Crime Act (POCA) 2002. There are a number of prosecutions that are still going through the courts (these take a significant length of time) including a POCA confiscation court hearing that is scheduled for 20 October 2023.

- 5.25 Officers are working with colleagues in other departments to explore bringing Financial Investigation Services in house to increase the proportion of income received from confiscation orders.
- 5.26 The Planning Enforcement Team has appointed Anthony Fenner to the vacant Deputy Team Manager role and will shortly backfill the vacant post vacated by Anthony.

#### Member Training & Site Visits

- 5.27 Member site visits have taken place visiting Rosa Luxembourg House and Old Oak and Park Royal Development Corporation (OPDC). Future training on viability will be provided.

#### Judicial Review of High Road West planning permission decision

- 5.28 Further to a High Court hearing on 10 October 2023, the Judge's decision was published on 18 October regarding Tottenham Hotspur's judicial review against the Council's decision to grant planning permission for the High Road West development opposite the Stadium.
- 5.29 The claim for judicial review was dismissed by the Judge. On the 'heritage' ground, the Judge concluded that heritage impacts were appropriately assessed and reported to Planning Sub Committee. On the 'crowd safety' ground, the Judge concluded that the conditions / Section 106 clauses that Planning Sub Committee agreed provided appropriate safeguards. On the latter ground, the Judge rejected the Claimant's ground as "wholly unreal" and Planning Sub Committee "Members were not misled".

## Planning Policy & Infrastructure

### New Local Plan

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

Document	Regulation	Date
<b>New Local Plan First Steps Engagement consultation</b>	Reg 18	November 2020-February 2021
<b>Draft Local Plan consultation</b>	Reg 18	2024
<b>Proposed Submission Local Plan consultation</b>	Reg 19	2024/2025
<b>Submission &amp; Examination</b>	Reg 22-25	2025
<b>Adoption</b>	Reg 26	2025

5.31 In line with national policy and guidance the New Local Plan must be informed and supported by a relevant and up-to-date evidence base that is adequate and proportionate. A key piece of evidence currently under preparation is a **Haringey Infrastructure Delivery Plan (IDP)**. The purpose of the IDP is to help ensure that the right strategic and local infrastructure provision is planned for to meet the needs of the borough's residents and businesses and to make Haringey's places sustainable, resilient and successful. In connection with the IDP, on 3 October 2023 the Planning Policy Team hosted the borough's first ever Infrastructure Summit. This was attended by circa 60 key infrastructure stakeholders and set a platform for future collaboration on the planning and delivery of infrastructure needed to support the borough's projected growth. It is being prepared in a genuinely collaborative way in partnership with a range of internal and external stakeholders with circa 15 stakeholder interviews completed to date.

5.32 The drafting of the **Draft Local Plan** is currently at an advanced stage with a focus on refining emerging visions, policies and proposals. This process is being informed by detailed feedback from the New Local Plan Member Working Group which met on six occasions in July and August covering the following matters:

- Health, Social Infrastructure & Culture
- Climate Emergency & Buildings
- Affordable Housing
- East of the borough
- Centre of the borough
- West of the borough
- Overarching Spatial Strategy

5.33 Following completion of the Council's planned Tottenham Voices engagement and having regard to relevant matters arising from that, approval to consult will be sought from Cabinet in 2024. Strategic Planning Committee will be consulted in advance of this. At the same time key evidence base documents will be published together with a comprehensive Consultation Report.

### Neighbourhood Planning

- 5.34 In April 2023 the **Highgate Neighbourhood Forum (HNF)** applied to Haringey and Camden Councils to be formally re-designated as a neighbourhood forum. A consultation on the HNF's re-designation application ran from 4 May to 23 June 2023 which indicated general support for redesignating the Forum. It was also found by officers that the HNF satisfies legal requirements for designation of a Neighbourhood Forum set out in Regulation 8 and section 61F(5) of the Act which are:
- it is established for the express purpose of promoting or improving the social, economic and environmental well-being of an area;
  - its membership is open to individuals who live, work or are elected members of the Council in the neighbourhood area concerned;
  - its membership includes a minimum of 21 individuals who live, work or are elected members of the Council in the neighbourhood area concerned; and
  - it has a written constitution.
- 5.35 The HNF has a committee of 23 people, including three Councillors from the relevant Haringey wards. The Councillors involved are Councillors DaCosta, Emery and Isilar-Gosling. The HNF is open and free to join for anyone who lives or works in the area.
- 5.36 The HNF's application stated that it engages with its members via a dedicated web site, monthly e-newsletter with nearly 1,000 subscribers, via Twitter/X with 1,602 followers, and via close liaison with a range of affiliate organisations. The HNF endeavours to reach all sectors of the community from across its geographical area.
- 5.37 Having regard to the above, both Councils took the decision on 8 September 2023 that the HNF should be redesignated. Therefore the Forum is designated for a further 5 years from this date.

#### Neighbourhood Community Infrastructure Levy (NCIL)

- 5.38 In 2018 the Council consulted on its Round 1 spend of NCIL monies. A further consultation was held in 2020, and the Council adopted an amended methodology for spending NCIL to allow a fairer approach across the borough and allocated £2.2m on NCIL projects accordingly, with projects being implemented since then.
- 5.39 The Council's Corporate Delivery Plan published in 2023 commits the Council to exploring Participatory Budgeting as part of the Haringey Deal. Work has begun to develop a Participatory Budgeting approach to NCIL for future rounds and this will be engaged upon in 2024.



## Building Control

### Performance Overview

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

Building Control	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24*
Applications	1996	2323	1717	2645	2069	985
Fees	604k	600k	561k	766k	698k	410k
Site visits	6817	6278	5603	6243	5674	2393
Market share	54%	62%	53%	57%	40%	41%
Dangerous Structures	190	162	159	225	204	103
Demolition Notices	13	29	20	18	22	6

\* 01 April – 26 October 2023

### Dangerous structures

5.41 There have been 103 dangerous structure calls to date this year. It should again be noted that where we request the help of our dangerous structure contractor, there is a cost attached to this that initially comes out of Building Control's budget until we can invoice the owner.

### Building Act & Fire Safety

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

5.43 The new Building Control regime has now commenced and the register for Building Inspectors is open – Haringey officers are working on being registered by the April 2024 deadline. To enable this there is both a significant cost and staff have to prove their competence by exam and/or interview in order to become registered.

### Single staircases in high rise residential buildings

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

requirements. The contents of the circular are précised below (emphasis added) and form the basis of reviews carried out by Haringey Building Control:

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

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

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

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

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

- 5.45 On 7 December 2022 the National Fire Chiefs Council published a [position statement](#) saying “NFCC believe, that 18 metres or has at least 7 storeys must become the threshold at which more than one staircase should be required in new residential buildings...”. It is important to note that the NFCC is the “professional voice of the UK Fire & Rescue Service”, has a UK wide remit and is not just focused on London, does not constitute government policy or formal planning policy and does not necessarily reflect the position of the London Fire Brigade.
- 5.46 On 23 December 2022 DLUHC published a [consultation](#) on fire safety matters including single staircases which proposes to change the existing regulatory context and approach. The consultation proposes that a second staircase may

be required for new residential buildings more than 30 metres tall as part of building control 'Approved Document B' requirements.

- 5.47 The DLUHC consultation emphasises that “There is no evidence that suggest that existing buildings with a single stair above the proposed threshold pose a life safety risk”. The consultation also considers the impact on financial viability of developments and states “the provision of a second staircase could make developments unviable due to a reduction of saleable floor space and increase costs” [sic] and “this is likely to reduce the amount of affordable housing that can be provided by developers”.
- 5.48 On 8 February 2023 the Mayor of London / Greater London Authority published a [statement](#) confirming how the NFCC statement and DLUHC consultation should be applied in London. It states (emphasis added):

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

- 5.49 On 24 October 2023 the Secretary of State, Michael Gove MP, made a [statement to Parliament](#) which said (emphasis added):

*We must never be complacent in our approach to safety. In July, I confirmed that I intend to introduce new guidance requiring second staircases in new residential buildings in England above 18m. This not only reflects the views of experts including the National Fire Chiefs Council and Royal Institute of British Architects, but also brings us into line with countries – including Hong Kong and the UAE – in having a reasonable threshold for requiring second staircases.*

*I can now announce the intended transitional arrangements that will accompany this change to Approved Document B. From the date when we publish and confirm those changes to Approved Document B formally, developers will have 30 months during which new building regulations applications can confirm to either the guidance as it exists today, or to the updated guidance requiring second staircases. When those 30 months have elapsed, all applications will need to conform to the new guidance.*

*Any approved applications that do not follow the new guidance will have 18 months for construction to get underway in earnest. If it does not, they will have to submit a new building regulations application, following the new guidance...*

*With these transitional arrangements, we ensure that projects that already have planning permission with a single staircase, the safety of which will have been considered as part of that application, can continue without further delay if they choose. This means that, for some years yet,*

*we will continue to see 18m+ buildings with single staircases coming to the market. I want to be absolutely clear that existing and upcoming single-staircase buildings are not inherently unsafe. They will not later need to have a second staircase added, when built in accordance with relevant standards, well-maintained and properly managed. I expect lenders, managing agents, insurers, and others to behave accordingly, and not to impose onerous additional requirements, hurdles or criteria on single-staircase buildings in lending, pricing, management or any other respect.*

*Those who live in new buildings over 18m can be reassured that those buildings are already subject to the additional scrutiny of the new, enhanced building safety regime. Their fire-safety arrangements are scrutinised in detail at the new building control gateways and planning gateway one.*

*I realise that developers and the wider market are waiting for the design details that will go into Approved Document B. The Building Safety Regulator is working to agree these rapidly, and I will make a further announcement soon. In the meantime, I am confident that this announcement of the intended transitional arrangements will give the market confidence to continue building the high-quality homes that this country needs.*

- 5.50 Before the new transitional arrangements come into effect, schemes will still be subject to the stringent requirements for detailed fire engineering analysis as required by the August 2022 circular set out above, and other existing policy and regulatory requirements.
- 5.51 Officers will continue to advise the Committee on the latest requirements in place at the time for making decisions on particular planning applications.

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

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

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

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

## **Appendices**

Appendix One – Definitions of Categories of Development

DRAFT

## **APPENDIX ONE**

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

#### **Major Development**

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

#### **Minor Development**

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

#### **Other Development**

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