

Place Select Committee

Date: Monday 9 September 2024 at 4.00 pm

Venue: Jim Cooke Conference Suite, Stockton Central Library, Stockton-on-Tees

TS18 1TU

Cllr Richard Eglington (Chair) Cllr Jim Beall (Vice-Chair)

Cllr Kevin Faulks
Cllr Sufi Mubeen
Cllr Marilyn Surtees
Cllr Sylvia Walmsley

Cllr Stefan Houghton Cllr Andrew Sherris Cllr Hilary Vickers

AGENDA

1	Evacuation Procedure	(Pages 7 - 8)
2	Apologies for Absence	
3	Declarations of Interest	
4	Minutes	
	To approve the minutes of the last meeting held on 15 July 2024.	(Pages 9 - 12)
5	Scrutiny Review of Affordable Housing	
	To receive evidence from representatives of a Private Developer and Private Letting Agent	(Pages 13 - 62)
6	Progress Update - Scrutiny Review of Planning (Development Management) and Adoption of Open Space	
	To receive a progress update on the Scrutiny Review of Planning (Development Management) and Adoption of Open Space	(Pages 63 - 98)
7	Chair's Update and Select Committee Work Programme 2024-2025	(Pages 99 - 100)



Place Select Committee

Members of the Public - Rights to Attend Meeting

With the exception of any item identified above as containing exempt or confidential information under the Local Government Act 1972 Section 100A(4), members of the public are entitled to attend this meeting and/or have access to the agenda papers.

Persons wishing to obtain any further information on this meeting, including the opportunities available for any member of the public to speak at the meeting; or for details of access to the meeting for disabled people, please

Contact: Scrutiny Officer, Michelle Gunn on email michelle.gunn@stockton.gov.uk



KEY - Declarable interests are:-

- Disclosable Pecuniary Interests (DPI's)
- Other Registerable Interests (ORI's)
- Non Registerable Interests (NRI's)

Members – Declaration of Interest Guidance

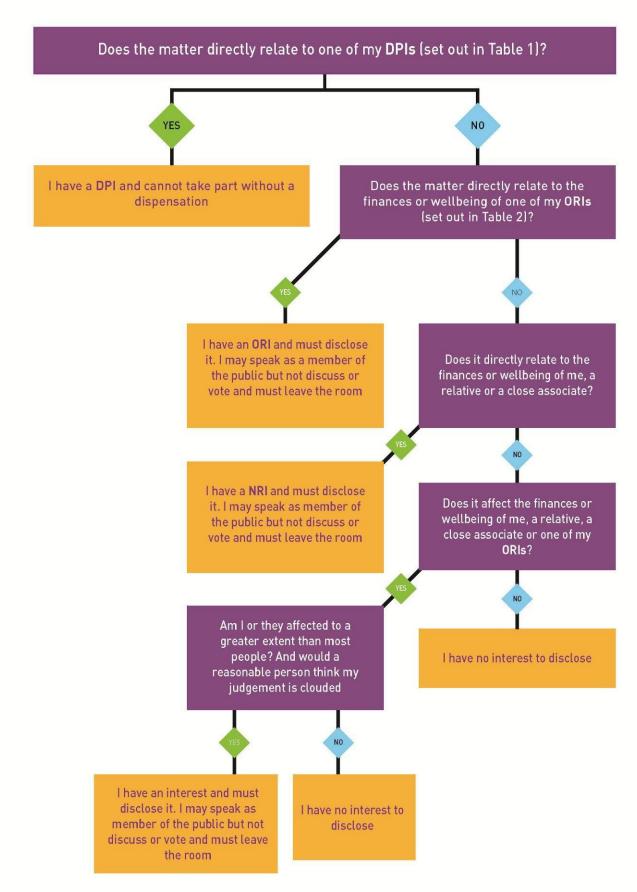




Table 1 - Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or
Contracts	a body that such person has a beneficial interest in the securities of*) and the council
	(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

^{* &#}x27;director' includes a member of the committee of management of an industrial and provident society.

^{* &#}x27;securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



Table 2 – Other Registerable Interest

You must register as an Other Registrable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
- (i) exercising functions of a public nature
- (ii) directed to charitable purposes or
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

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Agenda Item 1

Jim Cooke Conference Suite, Stockton Central Library Evacuation Procedure & Housekeeping

If the fire or bomb alarm should sound please exit by the nearest emergency exit. The Fire alarm is a continuous ring and the Bomb alarm is the same as the fire alarm however it is an intermittent ring.

If the Fire Alarm rings exit through the nearest available emergency exit and form up in Municipal Buildings Car Park.

The assembly point for everyone if the Bomb alarm is sounded is the car park at the rear of Splash on Church Road.

The emergency exits are located via the doors between the 2 projector screens. The key coded emergency exit door will automatically disengage when the alarm sounds.

The Toilets are located on the Ground floor corridor of Municipal Buildings next to the emergency exit. Both the ladies and gents toilets are located on the right hand side.

Microphones

During the meeting, members of the Committee, and officers in attendance, will have access to a microphone. Please use the microphones, when directed to speak by the Chair, to ensure you are heard by the Committee.

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PLACE SELECT COMMITTEE

A meeting of Place Select Committee was held on Monday 15 July 2024.

Present: Cllr Richard Eglington (Chair), Cllr Jim Beall (Vice-Chair),

Cllr Kevin Faulks, Cllr Stefan Houghton, Cllr Andrew Sherris,

Cllr Marilyn Surtees, Cllr Hilary Vickers and Cllr Sylvia

Walmsley.

Officers: Jane Edmends, Alan Glew, Carol Bruce (AH&W), and

Michelle Gunn (CS).

Also in Sarah Fawcett (North Star Housing Group), Clare Harrigan

attendance: (Beyond Housing), David Ripley, Joy Whinnerah (Thirteen)

Apologies: Cllr Sufi Mubeen.

PLA/18/24 Evacuation Procedure

The Committee noted the evacuation and housekeeping procedure.

PLA/19/24 Declarations of Interest

There were no declarations of interest.

PLA/20/24 Minutes

AGREED the minutes of the meeting held on 10 June 2024 be confirmed as a correct record and signed by the Chair.

PLA/21/24 Scrutiny Review of Affordable Housing

At the second evidence-gathering session for the Committee's review of Affordable Housing the Committee received headline data for Stockton-on-Tees Borough Council (SBC) Allocations Service which included:

- A breakdown of all registered providers operating through Tees Valley Home Finder and the percentage of nominations they offered through this system. It was noted that this percentage was the minimum and it was often higher.
- The number of properties advertised in 2023-24 (610) and the number of properties advertised in quarter 1 of 2024-25 (185).
- The number of live applications for 2023-24 (2507) and quarter 1 of 2024-25 (3103), and a breakdown of the applications by bands and bedroom need.
- A breakdown of properties allocated by band in 2023-24, which showed that the largest percentage (81.7%) were allocated to band 1 to assist in the reduction of homelessness and moving households out of Local Authority funded temporary accommodation.

It was questioned whether there were any 'hard to let' properties, and the Committee were informed that the Nominations and Letting team received hundreds of bids on some properties, and up to 75 bids on low demand properties. The team received details of the properties that were becoming available for each Registered Provider and could request that certain properties were allocated through Tees Valley Home Finder if they were aware that there was a need for it.

Following this information, the focus for the meeting moved to evidence from three registered housing providers, Beyond Housing, North Star, and Thirteen. They had been invited to present their investment plans and what influenced their ability to build new affordable housing in Stockton-on-Tees Borough.

The first presentation received was from the Director of Development of Beyond Housing, which included:

- An introduction to Beyond Housing
- A SWOT analysis of development and sales
- Fire safety and energy efficiency data
- Data on repairs, including mould and damp
- Development programme details

The main issues highlighted and discussed were as follows:

- Beyond Housing owned 400 homes in SBC area (including homes in development).
- The Affordable Housing Programme (Homes England grant funding) expiry at March 2026 was noted to be limiting progression of new home development already.
- Fire safety and energy efficiency was discussed, and it was noted that significant work and investment went into ensuring properties met fire safety regulations. They had taken a decision to demolish a high rise building and rebuild due to cost effectiveness of this.
- It was noted that there was a backlog of repairs following covid, and that the
 repairs required had remained at this level. This was attributed to several
 causes including higher expectations from tenants and the age of the
 housing stock.
- Registered Providers had a legal duty to carry out gas checks and therefore held legal powers to enter properties. While carrying out gas checks, they would carry out other home safety checks, so did not need to enter the property numerous times.
- The stalled developments in the borough were discussed. There had been a delay on the Brooklime site due to issues with drainage and nutrient neutrality. Planning was due to expire on the site, which Beyond Housing owned, therefore a decision was due at their board regarding funding the development. Options were being considered for completing the Princeton site, as the provider of these modular homes went into receivership. It was hoped that Beyond Housing would gain control of the site by the end of the financial year.

 It was questioned whether Beyond Housing were working with the Northern Power Grid to meet the EPC rating requirements and the Committee was informed that they were.

The Committee then received a presentation from the Head of Development of North Star, including:

- An introduction to North Star
- Data on housing investment in the last 18 month
- Information regarding repairs, financial viability of properties, length of tenancy, new build target, and other considerations

The main issues highlighted and discussed were as follows:

- Possible reasons for tenants staying in properties for longer were discussed, including the cost of moving, the cost and/or availability of private rented properties, and the current private housing market. It was noted that North Star were happy for tenants to stay in the properties as long as they wanted to.
- Discussion took place regarding the location of affordable housing in private developments and ensuring that these were pepper potted throughout the developments, not grouped in the least desirable area of the site. They were also concerned that 106 properties offered by major developers should be of good quality and space standards and met needs e.g. more bungalows.
- A previous regeneration scheme was raised, whereby a street of houses
 was redeveloped by the Registered Provider. North Star noted that they
 were currently carrying out a similar project on a smaller scale in Thornaby.
 However, it was stated that it would be very expensive to carry out a
 redevelopment of a full street of houses and it would need wider
 regeneration activity and resources. It would be more economical to
 demolish existing housing, clear, and build new housing to meet current
 standards.

The final presentation was from the Executive Director of Development and Partnerships and the Executive Director of Customer Service of Thirteen, which included:

- An introduction to Thirteen
- Thirteens' strategy
- Constraints and challenges, including information on repairs and length of tenancies
- Pipeline challenges and opportunities
- Stockton-on-Tees development update schemes on site, schemes in pipeline, and schemes recently completed

The main issues highlighted and discussed were as follows:

- It was noted that the majority of Thirteen properties in SBC, approximately 9,000, were social rent properties, with approximately 1,000 affordable rent properties.
- 100% of new build properties were allocated in accordance with the Tees Valley Common Allocation Policy.

- Thirteen noted that they preferred to partner with private developers for 106
 arrangements at the earliest stage, so they had the opportunity to determine
 the properties that they received. It was questioned why the opportunities
 for a development in Wynyard did not go ahead and was informed that the
 tenure, size, and location (clustering) of the properties offered by the
 developer did not meet local housing needs.
- Discussion took place regarding energy efficiency and installation of PV solar panels. It was noted that battery storage for panels was challenging and that they focussed on other methods for increasing energy efficiency of housing e.g. insulation.
- It was noted that those customers assessed as lower priority bandings for housing were likely to wait longer for housing than someone assessed as high need.
- Infill sites were raised, and it was stated that these sites required extra work
 to male them viable for small & medium sized enterprises whilst they
 remained unattractive for bigger developers. It was suggested that
 packaging multiple smaller sites to deliver higher quantum numbers was
 both attractive to potential developers and more viable and worthy of further
 investigation by SBC.
- Right to Buy and shared ownership schemes were discussed. It was noted that while people were still looking to purchase homes under RTB the numbers were falling. With regards to shared ownership, Homes England were pushing all providers to deliver more low cost home ownership homes and Thirteen were committed to do so as a strategic partner. The interest in low cost home ownership remains vibrant.

Drawing the session to a close, the Committee Chair thanked all SBC officers and Registered Providers representatives for their contributions.

AGREED that information be noted.

PLA/22/24 Chair's Update and Select Committee Work Programme 2024-2025

Consideration was given to the Work Programme.

The next meeting would be held on Monday 9 September 2024.

AGREED that the work Programme be noted.

Agenda Item 5

Place Select Committee

9 September 2024

SCRUTINY REVIEW OF AFFORDABLE HOUSING

Summary

The third evidence-gathering session for the Committee's review of Affordable Housing will focus on information from key stakeholders involved in the local housing market. Feedback will also be received from members visits to the Nominations and Lettings team.

Detail

- During the scoping process for this review the Committee identified the several key contributors in relation to this scrutiny topic including a private developer to understand their considerations when committing to supplying affordable housing in the borough and a private letting agent to gain an insight into the private rental market.
- 2. Ian Worgan, Regional Managing Director of Keepmoat Homes, has been invited to the meeting to explain the influences on their ability to supply affordable housing. Keepmoat was the partner in the pioneering Sycamore joint venture in the borough and he has been asked to answer the following questions, his response is attached:
 - The committee are interesting in understanding more about Keepmoat could you provide a quick overview of your business?
 - This review is seeking to explore how the Council can increase the delivery of affordable housing. What type of partnerships with housing associations and local authorities are you involved in which deliver affordable housing?
 - Do you think there are ways the Council can work with private developers to increase the supply of affordable housing? If so, can you give us examples of what would encourage you to work with Councils like SBC?
 - The committee understands that some private lead development sites may become stalled.
 From your experience of the industry what are the reasons that developments get stalled or do not go ahead once planning permission has been granted?
 - What are the challenges for delivering the number/types of affordable housing set out in SBC Local Plan?
- The above questions were also circulated to other private developers to give them an
 opportunity to input into the review and gain their valuable experience. Storey Homes and Taylor
 Wimpey North Yorkshire have responded, and their answers are attached.
- 4. Richard Poole, Managing Director of Michael Poole Estate Agents has also been invited to the meeting, as a well-established letting agent in the Borough. He has been asked to give information on the number and type of properties on the market, whether this meets the demand and requirements of their customers, and average rent price. In addition, Richard has been asked to answer the below questions:
 - From your understanding of the private rental market are properties held back from the market/or not let if the landlord cannot secure the level of rent the landlord wants?
 - What are your views on current/future rents i.e. will they continue to rise due to demand?

Richard Poole has provided the link below ahead of the meeting showing available properties as of 29 August according to Rightmove statistic, along with data on market share by rent and price band, attached.

https://www.rightmove.co.uk/best-price-quide-report/f42640b3-96d3-4232-9e74-b48987147d26

5. The Local Housing Allowance Rates (LHA) were circulated to the committee via email for background information. LHA are used to calculate Housing Benefit for tenants renting from private landlords and decided by the Department for Work and Pensions (DWP) using information provided by the Valuation Office Agency. When the Housing Benefit received by an individual does not cover their rent they will need to find the rest of their rent from other income, Universal Credit payment etc. The rates are as follows:

Shared Accommodation Rate
One Bedroom Rate
Two bedroom Rate
Three Bedroom Rate
Four Bedroom Rate

£66.50 per week
£94.36 per week
£109.32 per week
£126.58 per week
£172.60 per week

- 6. In addition to key stakeholders attending the meeting, a copy of the feedback from the site visits to the shadow the Nominations and Letting team is attached for consideration. Five members attended the shadowing exercise that took place in July to gain a customer insight.
- 7. As members will be aware, the Government has made significant announcements recently regarding its ambitious housing delivery programme and the role / their commitment to deliver "the biggest increase in affordable housebuilding in a generation". A press release and letter to Local Authorities outlining their announcement is attached for your information.
- 8. A copy of the agreed scope and plan for this review is also included for information.

Name of Contact Officer: Michelle Gunn

Post Title: Scrutiny Officer Telephone No: 01642 524987

Email Address: michelle.gunn@stockton.gov.uk

Keepmoat Homes Response to Members Questions

The committee are interested in understanding more about Keepmoat, could you provide a quick overview of your business

Keepmoat is one of the UK's largest and oldest homebuilders with over 90 years of experience, we are also the nation's number one partnership homebuilder. Our model, relationships and approach enables' us to source land from both private and public sector partners and transform them into developable sites. In an industry where relationships between homebuilders and councils can be fractious, we've established a reputation amongst local planning authorities as a homebuilder who can be trusted to deliver.

In the North East, we consistently deliver over 450 new homes a year with developments spanning from Bedale in North Yorkshire to Cramlington in Northumberland and every county in between. Around 80% of our developments come from local authority or Homes England style land, supplemented with private land.

Our developments have transformed the lives of thousands of people, not just the residents, but also the communities we work with, and we are passionate and committed to continue to do that. Within our land team our social value manager works with partners to deliver outcomes for the local community ranging from working with community groups and local schools to work placements and apprenticeships as part of our social value offer. On our JV site with Newcastle council at Scotswood we opened in conjunction with the NHBC a bricklaying training hub offering fast track apprenticeships to help fulfil the skill shortage in the industry.

Our relationship with Registered Providers allows us to deliver up to 100% RP schemes, which can unlock difficult planning situations, and potentially bring forward unviable sites.

This review is seeking to explore how the Council can increase the delivery of affordable housing. What type of partnerships with housing associations and local authorities are you involved in which deliver affordable housing?

We have a scheme in Bedale for 88 units under construction which was originally an open market site with policy levels of affordable which we secured in competitive bid and converted this site to be a 100% affordable scheme. We are working with Broadacres housing association on this scheme, and it's a mix of affordable rent and shared ownership. This transaction did not attract CIL and negated the dual stamp duty liability which assisted with viability on the scheme

We have a further scheme in the same vicinity for 100 affordable units also with Broadacres which we secured from an agent who was marketing the site and which is ready to be submitted for planning shortly.

These are transactions where the housing association purchase the available site back-to-back the site from ourselves and we build the affordable units for them under a build contract. This reduces market sale risk, provides cash flow benefits by funding work in progress which allow us to improve return on capital and develop the schemes quickly

We have a scheme in South Shield for 66 affordable units where we worked with the local authority to assist them in delivering their affordable housing programme. We completed a technical review

and developed speculatively a layout for the site to establish if it was viable for an affordable housing scheme. We then worked with their affordable housing team at the council to agree a required mix and tenure for the site. Once we had an agreed viable scheme we made an offer to buy the site to their Estates team to establish best value and provide a capital receipt, and also procured Places for People who would purchase the site and agree a build contract with ourselves to develop the site on their behalf as we have done with Broadacres

We have been appointed as preferred developer on a Gateshead council owned site, Gateshead as planning authority have accepted the delivery of the affordable element of the site will be voluntary and sit outside of the S106. Bernicia are our affordable provider on this scheme.

We have joint venture arrangements with Newcastle Council via New Tyne West Development company for an 1800 unit regeneration scheme at Scotswood.

We have delivered over 1000 homes over the last 20 years with Durham County Council via Durham Villages Regeneration Company where Durham introduced various sites and Keepmoat provided the development expertise to bring the sites forward both market and affordable housing.

The Victoria Park development was a collaboration arrangement whereby Stockton Council provided the land, and Keepmoat developed the site. Both parties shared the initial funding which was capped and received a market interest return until repaid. The scheme also had a profit share arrangement, and a board and operations team managed the scheme with full financial and operational transparency. The scheme originally was only to provide policy affordable housing but ended up providing significant numbers of additional affordable via Thirteen group, and participated in the first homes pilot with Homes England.

As an additional part of this collaboration agreement, we also worked with the Council to assist in the delivery of an affordable bungalow scheme adjacent to the site. Tees Valley Combined Authority were providing brownfield grant to develop this project with Thirteen which they could not get to work. Keepmoat worked with the Council to deliver the scheme and complete the 14 bungalows within 12 months of our first introduction which also included obtaining planning. The housing team, planning team and officers worked proactively and pragmatically with Keepmoat to deliver the scheme.

Do you think there are ways the Council can work with private developers to increase the supply of affordable housing? If so, can you give us examples of what would encourage you to work with Councils like SBC?

Stockton have a very pragmatic and innovative approach to facilitating the local delivery of affordable houses, and we have seen examples of this with a number of proposed new schemes in Stockton which have affordable requirements.

Bowesfield is a scheme which had stalled for over 15 years based on scheme viability. We approached Stockton council to have preliminary discussions on how we thought the scheme may become viable as without some flexibility the scheme would be unable to provide s106 affordable housing. We agreed with the Council a mechanism to allow grant funding into the scheme which allowed us to potentially over supply voluntary affordable housing (165% of policy requirement). We were then able to agree a land price with the vendor and procure Thirteen group as the affordable housing provider to allow the scheme to move forward Thirteen. A draft S106 mechanism has been proposed, which has been used successfully elsewhere to attract grant funding from Homes England

We also have a proposed scheme at little Maltby Farm, Ingleby Barwick where we have recently marketed the S106 affordable element. We had no viable offers from any of the affordable housing providers', but we did receive an offer which required grant funding and would facilitate the delivery of voluntary affordable housing. We are currently in discussions with the Affordable Housing Officer at the Council to agree an appropriate mix and to obtain his agreement to support this proposal.

A Victoria Park style collaboration agreement which would allow the Council to partner with a developer to deliver the councils aspirations and retain control whilst delivering best value. This could work well on other Stockton owned land eg Town Centre and other identified affordable housing sites

The committee understands that some private lead development sites may become stalled. From your experience of the industry what are the reasons that developments get stalled or do not go ahead once planning permission has been granted?

Bio- diversity 10% gain will make a significant number of current sites non-viable, and if this cannot be provided on site the pre commencement provision and registration process will delay site starts after planning is granted. Likewise with Nutrient Neutrality

Viability is also the key issue as sites do not generate a land receipt which meets the landowners' expectations – this can be impacted by several things including:

- Availability of Homes England Grant or limited grant programmes and the reduced affordable housing providers appetite for S106 housing perhaps due to already committed programmes
- Private sales values to generate a land value at current build cost levels and building
 regulations the average price per square foot selling prices would need to exceed £190 per
 square foot ie circa £135k for a 2 bed semi. This makes certain areas non developable
 without grant support. With the introduction of future homes this value could increase to
 nearer £145k with the introduction of air source heat pumps.
- Build costs inflation, over the last 3 years base build costs have increased from £100 psf to £130 psf and market revenues have stabilised.
- Where local authorities adopt NDSS house types as a standard requirement as they generate extra space and build cost but no extra revenue available due to market caps.
- Market issues where private sales rates are not sustainable, Keepmoat generally supplement these by providing additional affordable with grant funding to support optimal delivery levels
- Unforeseen on-site challenges with ground conditions, level issues requiring retention, technical issues such as surplus material being generated which is contaminated and has to leave site, grouting etc all of which increase costs
- Onerous planning conditions/obligations uncertainty in planning conditions/obligations
 which are not fixed and are relatively open ended eg Stockton Councils standard formula for
 education provision which gives no certainly over costs as it can be recalculated after site
 purchase.

What are the challenges for delivering the number/types of affordable housing set out in SBC Local Plan?

Flexibility around delivery models is key at this time – S106 and planning condition affordable delivery is proving challenging now due to funding restrictions (no new funding streams have been announced by HE).

There is an appetite from the RP's to deliver policy requirements, and in some instances above policy requirements, but only where there is certainty of funding.

As a partnership developer we also share this appetite but need flexibility and agility from Planning authority at times to allow funding to be injected into schemes. Our experience is Stockton along with other local authorities in the North East are taking a pragmatic approach in this regard

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Storey Homes Response to Members Questions:

 What type of partnerships with housing associations and local authorities are you involved in which deliver affordable housing?

Story Homes have existing partnership with Home Group on 2nr. sites in the Northeast region and work closely with a number of RSL/Housing Associations on our development sites where affordable housing is provided, across tenures such as Affordable Rent, Shared Ownership, First Homes and Discount Market Sale (although the latter are typically retained by Story Homes). In relation to LA involvement, one of the current sites in our portfolio the affordable housing provision has been retained by Northumberland County Council and something we believe has worked well.

• Do you think there are ways the Council can work with private developers to increase the supply of affordable housing? If so, can you give us examples of what would encourage you to work with Councils like SBC?

Majority/if not all developers will provide a policy compliant affordable housing scheme, however the tenures and restrictions around such provision would be something that we could suggest warrants further discussion as on occasions these can be quite restrictive and some Registered Providers may withdraw interest or look to vary s106 Agreements etc which can cause delays, additional costs and challenges within the contractual arrangements and ultimately delivery.

• The committee understands that some private lead development sites may become stalled. From your experience of the industry what are the reasons that developments get stalled or do not go ahead once planning permission has been granted?

All of Story Homes' sites which have achieved planning permission are commenced, however aware that some sites do become stalled through contractual issues, land valuation, viability challenges, market demand and supply chain issues. Viability is under huge pressure not just by affordable housing policy requirements, but also all other S106 requirements/financial contributions etc, furthermore the conflict between development management teams — planners to LLFA to Landscape etc can put viability under pressure because of approach to SUDs design/POS which ultimately reduces developable area and can put allocated sites at risk of being stalled or undeveloped at all.

The impact of Nutrient Neutrality has equally caused extensive delays due to the lack of options in the Region other than the NE Credit scheme which isn't always successful – Story site in SBC area for example was unsuccessful 3 times on applying. The introduction of BNG is also likely to cause developments to stall due to viability challenges, supply of mitigation land and the maintenance obligations which is something RP's will need to be understanding of along the journey given the potential increase to the current service charges for maintained areas and the rules regarding the appearance of open space particularly now.

• What are the challenges for delivering the number/types of affordable housing set out in SBC Local Plan?

Some are referenced above such as viability challenges faced on sites, however it is also worth noting that we have noticed a significant reduction in RP engagement/interest in Affordable Housing opportunity tenders as some have 'filled their books' so to speak or are developing their own sites with separate contractors, acquired developer stock plots which have been flipped to affordable tenure, availability of government funding, utilising existing funds/revenue to focus on modernisation/repairs/renovation with existing stock and issues with viability.

This document was classified as: OFFICIAL

Taylor Wimpey North Yorkshire Response to Members Questions:

• What type of partnerships with housing associations and local authorities are you involved in which deliver affordable housing?

Taylor Wimpey North Yorkshire mainly deal with the disposal of affordable housing to Registered Providers (RPs) as required through Section 106 agreements. This is our main method of delivering affordable housing within SBC. In addition, we can also carry out 'bulk sales' to Registered Providers, which is can be a more attractive proposition for RPs as they can use any Homes England grant allocation they have to help fund their acquisition. Grant funding cannot be used for S106 units.

We would be open to further partnership approaches with Housing Associations and Local Authorities.

Do you think there are ways the Council can work with private developers to increase the supply
of affordable housing? If so, can you give us examples of what would encourage you to work with
Councils like SBC?

More flexibility regarding the tenure of affordable housing, such as the introduction of First Homes or Discount Market Sale tenures would alleviate some of the challenges we have seen regarding the lack of demand from RP partners for Section 106 properties.

Unlocking council owned sites with a pragmatic expectation on land value, to reflect a higher percentage of on-site affordable housing delivery.

Delivering affordable housing outside S106 agreements, to unlock opportunities for grant eligible affordable housing on schemes. This can be done on Council owned sites by capturing the affordable housing requirements within the Development Agreement.

Review the on site affordable housing requirements for sites with viability issues or in lower value areas within the Borough, use First Homes or DMS to improve viability.

• The committee understands that some private led development sites may become stalled. From your experience of the industry what are the reasons that developments get stalled or do not go ahead once planning permission has been granted?

Nutrient Neutrality restrictions and securing mitigation Viability challenges as a result of planning requirements or market movements Onerous Planning Conditions

 What are the challenges for delivering the number/types of affordable housing set out in SBC Local Plan?

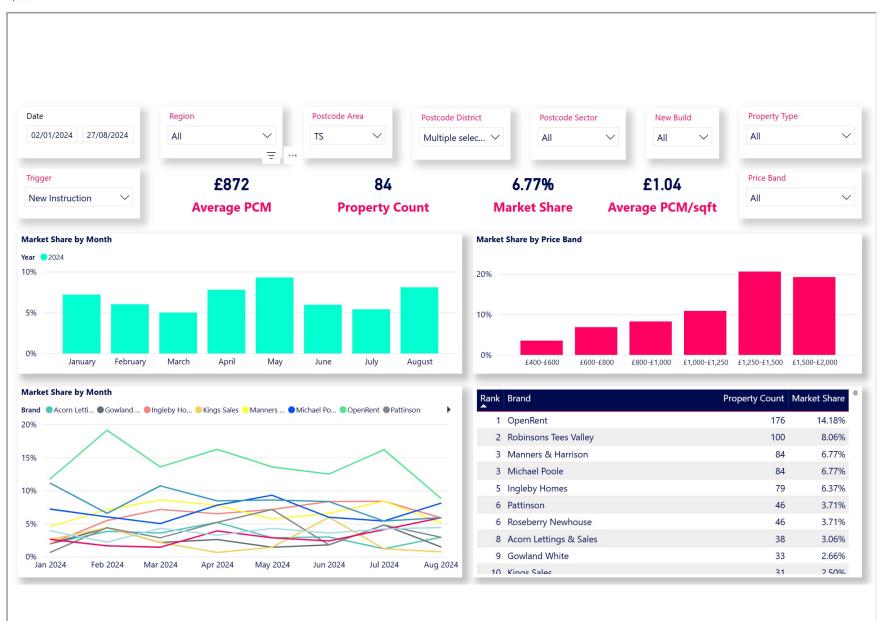
We have seen some limited demand from Registered Providers for Section 106 properties leading to delays in delivering these homes and challenges when securing an RP partner. We believe this is due to RPs prioritising grant funded opportunities rather than Section 106 opportunities.

Flexibility of intermediate tenure properties- given the low demand from RPs, this would allow us to offer an intermediate tenure ourselves rather than reliance on an RP partner.

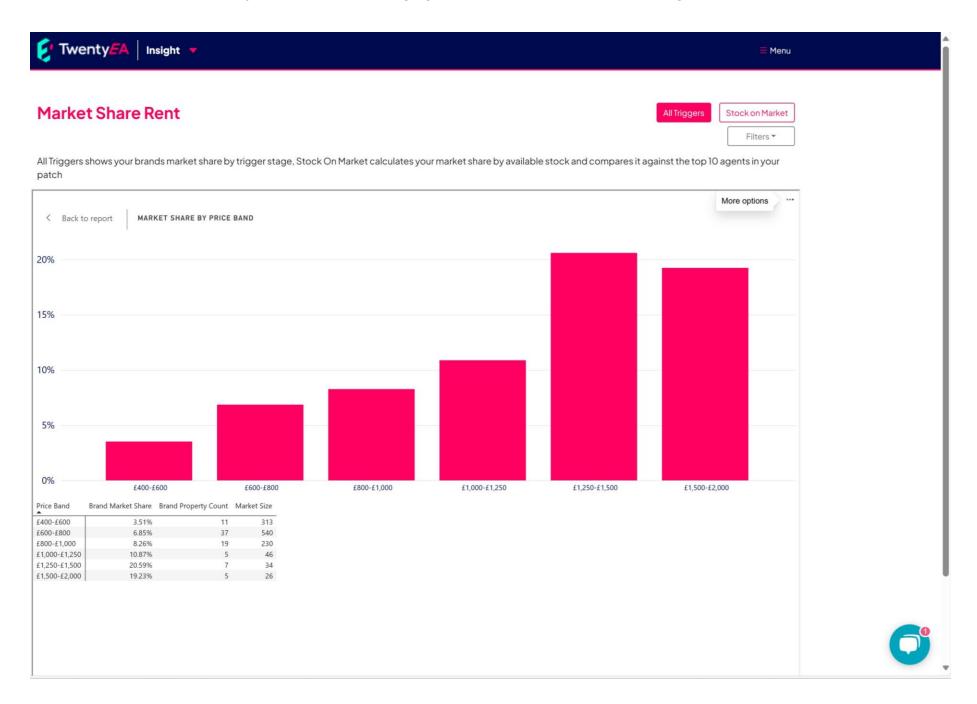
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Data on Market Share shared by Richard Poole, Managing Director of Michael Poole Estate Agents

All Triggers shows your brands market share by trigger stage, Stock On Market calculates your market share by available stock and compares it against the top 10 agents in your patch



Data on Market Share shared by Richard Poole, Managing Director of Michael Poole Estate Agents



Site Visit to Nominations and Lettings Team 24 July 2024 - Notes

On 24 July Cllrs Jim Beall, Stefan Houghton, and Sylvia Walmsley visited the Nominations and Lettings Team to gain a customer insight into applying for affordable housing. Cllrs Richard Eglington and Hilary Vickers also visited the team on 29 July. The following information was obtained from the discussions with the Service Lead, Team Leader and Senior Officer and calls that members listened to.

Discussions

Duty

- Local Authorities have a statutory duty to hold the housing register for their area
- SBC also holds the housing register for Middlesbrough

Team

- The team is small with 4.5 posts.
- The team has been placed into the same service with homelessness and housing solutions teams and are currently based in Church Road but will be moving to Dunedin in August.
- They currently attend the care leaver hub once a month to speak to people on a face-to-face basis and have been offered space in the Thirteen hubs on a regular basis. It was felt that it was important to have these bases in the community.
- They have a direct telephone number, so calls do not come through the Council's contact centre
- Nomination and Lettings team do not allocate for extra care and will refer anyone contacting them for this to social care
- If the person registering is homeless they are referred to the housing solutions who will assist them in setting up an account and ensure they are on the appropriate banding. Those considered homeless could be living in private rent, with family or friends, or placed in temporary accommodation at a cost to the LA

The systems

- The team have moved over to a new IT system, Jigsaw, which is a well-respected name in the field used by other LA's and a huge improvement on reporting systems. The system used for calls is Netcall, and it allows for a 5 minute wrap-up after the end of each call.
- All calls are recorded and when a person rang the team it showed up on the system if they rang before, who they have spoken to, and what the calls were about
- The telephone system only allows for 10 people to be in the queue, after this the caller will be told that there are no operators to take the call and to call back later. There is a call back facility for those who are in the queue and all call backs are made
- Staff take calls on a rota basis, doing one half day on calls, with only one person from the team
 on calls at any one time. Calls are taken between 8.30am 12noon and 1pm 4pm. Call back
 is available 8.30am 11am and 1pm 3pm.

Properties

 Beyond Housing and North Star will offer the majority of their vacant properties via the TVHF site as they are a part of the TV Partnership

- Other Registered Providers (Thirteen etc) will offer at least 50%
- While the majority of allocations are made for Band 1, a number of new builds are offered to all Bands
- New builds cannot be adapted to meet needs due to the warranties placed on these properties

Housing Register Process

- A person who wishes to bid for a property are required to apply to be on the register, and need to provide ID, National Insurance number and proof of address. If the applicant has children living with them then proof of their identify and child benefit is also required
- Applications are made online or via telephone. If a person rings the team they are advised to complete the online registration and emailed information to assist. They also have the option to make a telephone appointment to complete the registration if they do not have internet access. There is a 1-2 week wait for telephone appointments
- If a person has a medical need they are sent a form to complete or make a telephone appointment.
- There is a 28 day target from registering to their account being activated, currently this target
 is not being met due to the number of people registering and the team are looking to identify
 how they can be more proactive. On 22 July there were 850 registrations waiting to be
 processed.
- If a person does not provide the documentation required on initial registration they go to the bottom of the list for processing once they have submitted this.
- The customer will receive an email to inform them that their account is live and the band they are in. The email will also include any medical requirements they may have
- If a person has housing debt, including rent arrears, any recharges, or court costs totalling £1500.00 or over, they are not eligible to join the housing register. They will be informed of their options from the team, including steps to become eligible e.g. contacting their previous landlord and agreeing a payment plan
- A person who has been evicted from a previous property may be eligible to register for the list, but it is the landlords discretion who they allow to let a property. Thirteen will not take someone who had previously been evicted.
- Officers are honest with those registering, explaining that it is not a quick process, especially
 if placed on bands 2/3/4.

Advert and bidding

- Adverts are open for 5 working days and list the essential criteria that those wishing to bid on a property must meet. The team checks every advert for a property before they go live on the system.
- Adverts are placed online for bids. Those who do not have access to the internet can ring up
 to bid on a property and as properties are added to the system at any time, are advised to ring
 on a Monday and Friday.
- Approximately 12 properties were advertised a week. This was much less than pre-Covid.
- Properties are let to need, not aspiration
- A customer can bid and accept offers on more than one property

- Landlords will inform those that have bid for a property if they have been successful, the nomination and lettings team only get involved if it is a new build
- Landlords can advertise properties before they are vacant, and following the property becoming vacant inspections need to take place and any repairs carried out. It can therefore take a considerable time for the successful bidder to be able to move in. The property may also be withdrawn if on inspection the repairs are going to take too long, or it is not suitable for those that have bid e.g. does not have the correct adaptations/facilities.
- It is up to the person which properties they wish to bid on, so can chose which areas they wish to bid for. If they don't like an area they won't bid on it. The exception to this is those who are registered homeless, where the housing options team will bid on properties for the individual
- If a person is offered a property and refuses it they are placed in Band 4 for 6 months before being allowed to apply for reassessment of their Band.

Other issues

- Discussed the reasons for properties being left empty, which include waiting for a house clearance if the property is empty due to death of a tenant or major repairs needed to the property before being re-let
- The demand for 4 bed properties has risen. When a person needed a 4 bed they were asked if they would consider a 3 bed with a separate room downstairs which could be used as a bedroom. This would make it quicker for the person to be housed.
- Under occupancy is not as common as it previously had been and reasons for this include the
 introduction of the 'bedroom tax', when many people living in housing with more bedrooms
 that met their need moved to smaller properties
- There has been an increase in people applying to the register from outside the area, particularly people from southern boroughs
- It was noted that 283 people are registered homeless in the borough and are on band 1.
 Approximately 60 65% will need a 1 bed property. Next biggest need is a 2 bed property, then 3 beds.

<u>Calls</u>

Call 1

Caller was wanting to look for properties, they were looking for a ground floor 3 bed property in the Middlesbrough area.

Officer checked the info on the account to make sure that the properties they search were suitable.

Officer informs the caller that there was a house in Hemlington but it was not saying if there was a downstairs toilet which was a need for the caller, and the caller decides not to put in for it. Officer explains that there are three other houses, but none were advertised as having a downstairs toilet. Caller asks the areas the properties were in and then decides not to put in an offer for those.

Caller asks if the houses on Cargo Lane were ready yet and informed that they were not.

Caller says will ring back at the end of the week to check what's available again.

Call 2

Caller was wanting to join Tees Valley Homefinder, officer checked whether they had access to the internet or needed help to complete the registration process. The caller requested help and was offered a telephone appointment, given an option of two dates. Caller confirmed which date and time they wanted, and the appointment was booked.

Caller explained that they were currently living outside the area and their tenancy was coming to an end, they wished to move to Teesside to be nearer family. Officer advised to also contact the Local Authority (LA) they were living in, as they were being made homeless, and the LA their family lived in, as they had family connections there. Caller informed that they had contacted their current LA who advised they couldn't help as had no family connections and not lived there long enough. The caller did not wish to live in the same LA as his family due to personal circumstances.

Caller informed that Thirteen had advised to look at private landlords and asked the officer for a list. Officer stated she would get a list of these in time for their appointment.

After the call it was explained that they don't currently have a list of private landlords as they have not been asked for this before. The officer agreed to get a list for the caller as they did not have access to the internet.

Call 3

Caller was checking that the evidence they had sent had been received.

During the conversation and checking the account it became clear that they had an appointment with the Housing Options team as they were going to be made homeless and had 4 children. The caller was currently living with a partner, who held the tenancy for the property they were being evicted from but had not included their partner on the Tees Valley Homefinder account.

The officer checked the account and could see that the documentation had been received but could not be opened, therefore advised how to retake the photograph of the evidence and resend. The officer said she would monitor the account to make sure it was attached in time for the appointment.

After the call, discussed possible options for the caller. They could take the landlord through the court system to fight the eviction, but their partner would have to do this as the tenancy was in their name and it would be costly. Alternatively, they could go into temporary accommodation until they were successful for a property, but her partner would not be able to go with them as they were not on the account.

Call 4

Caller wanted to change band. They were currently on band 4, pregnant, and living with a parent in Middlesbrough who was asking them to leave.

Officer explained that they would need to apply for homelessness in Middlesbrough, who would carry out an assessment, and gave the contact details.

Call 5

Caller had elderly disabled relative living in a Beyond Housing property in Guisborough who wanted to move to Middlesbrough to be nearer family. The local LA had assessed the relative several times and informed that they needed to register for Tees Valley Home Finder.

Officer informed that Beyond Housing would deal with their relatives account, the caller informed that they had not been advised of this. Officer double checked to see if the relative already had an account on Tees Valley Home Finder but they did not.

Caller was given Beyond Housing contact details who would be able to set up and look after the account.

Call 6

Caller wanted to change banding system, they were currently on a band 4. Explained that they were in a small 3 bedroom privately rented property with 4 children, one of which was an adult, one had behavioural problems, and one was sharing a bedroom with the caller and their partner.

Officer checked the account and informed that the callers partner and children was not on the account. The caller had sent documentation, but officer informed that their partner and children still needed to be added to the account. The officer would email over guidance on how to add people to the account and explained the documentation that was required.

After the call it was explained that the caller may be eligible for overcrowding.

Call 7

Caller wanted to know the progress of their application. Officer informed that they were waiting for information from the Occupational Therapist (OT) and had chased them that morning. Once the information had been received the caller would receive an email.

Caller asked how long it would take to receive the email and advised it would be approximately a week.

After the call the OT assessment was discussed, and officers informed that they don't receive many referrals from paediatric OT and that it would be useful to have a conversation with the team so that they understand the types of properties that are in the area and do not recommend housing that does not exist.

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Press release

Housing targets increased to get Britain building again

The government has announced an overhaul of the planning system to fix the foundations and grow the economy.

From: Ministry of Housing, Communities and Local Government

(/government/organisations/ministry-of-housingcommunities-local-government) and The Rt Hon Angela Rayner MP (/government/people/angelarayner)

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- Government to fix the foundations with an overhaul of the planning system that will see new mandatory targets for councils
- Review of the greenbelt to identify 'grey belt' land and meet local housing needs, with 'golden rules' driving 50% delivery of

Page 33 affordable homes

 New system will ensure every area must have local housing plans - with government ready to take the tough decisions to step in if areas fall off track

An overhaul of the planning system has been announced today, as government sets out tough decisions necessary to fix the foundations and grow the economy.

All councils in England are to be given new, mandatory housing targets to pave the way to deliver 1.5 million more homes – tackling the most acute housing crisis in living memory.

The new targets will mean councils must boost housebuilding in areas most in need, helping more people buy their own homes, removing the largest barriers to economic growth, and getting Britain building again.

The new rules set out today will reverse the decision last year to water down housing targets, by making them explicitly advisory, at a time when planning permissions were at a record low. The new approach reflects the level of ambition necessary to tackle the housing crisis and meet the government's commitment to 1.5 million homes.

Supporting the government's number one mission to grow the economy across the country, these new targets will flow into the development of local plans. It is through local plans that communities have a say in the building of the homes and infrastructure we need.

Currently just a third of councils have a plan that is under five years old, which is why government will take the tough decisions and step in where needed to drive progress, ensuring local areas get a say on how, but not if, homes are built.

The Deputy Prime Minister has written to every council Leader and Chief Executive in England to make clear that there is "not just a professional responsibility but a moral obligation to see more homes built", and that she will not hesitate to use her powers of intervention should it be necessary –

including taking over an authority's plan making directly.

Deputy Prime Minister, Angela Rayner said:

"Today marks a significant step to getting Britain building again.

"Our decisive reforms to the planning system correct the errors of the past and set us on our way to tackling the housing crisis, delivering 1.5 million homes for those who really need them.

"And something I am personally proud of, our new flexibilities for councils will boost the number of social and affordable homes, and give working families a better route to a secure home."

In addition to restoring mandatory housing targets, the method used to calculate them, which relied on decade old data, will be updated. The new method will require councils to ensure homes are built in the right places and development is proportionate to the size of existing communities, while adding an extra level of ambition in the most unaffordable areas.

The first port of call for development will be brownfield land. Reforms announced today will make explicit that the default answer to brownfield development should be "yes" and promote homebuilding at greater densities in urban centers. like towns and cities.

To help deliver 1.5 million homes over the next five years, councils will have to review their green belt land if needed to meet their own target, identifying and prioritising 'grey belt' land, which the government has today set out a definition for. This includes land on the edge of existing settlements or roads, as well as old petrol stations and car parks.

The update will make clear the requirement for councils to consider the proximity of new homes to existing transport infrastructure.

Where local authorities do not have up-to-date plans in place or enable sufficient housing to come forward to meet local targets, homebuilders can bring forward proposals on grey belt land. In all cases, land that is safeguarded for environmental reasons will continue to be protected.

Land released in the Green Belt will be subject to the government's 'golden rules', which make clear that development should deliver 50% affordable homes, increase access to green spaces and put the necessary infrastructure is in place, such as schools and GP surgeries.

Alongside building the housing that we need, the government is committed to making it easier to build key infrastructure such as laboratories, gigafactories and data centres, as well as making changes to deliver more large onshore wind projects and solar development across the country.

In addition to these reforms to the planning system, the government is also taking steps to deliver quality affordable and social housing, working to reverse the continued decline in the number of social rent homes. This includes changes to Right to Buy, giving councils flexibility to use their receipts to build and buy more social homes. The government has started its review of the increased discounts introduced in 2012, with changes to be implemented in the Autumn.

The Deputy Prime Minister has also confirmed that details of future government investment in social and affordable housing will be brought forward at the next spending review, so social housing providers can plan for the future and help deliver the biggest increase in affordable housebuilding in a generation.

Responding to calls from the sector, the government has also confirmed that at the next fiscal event it will provide councils and housing associations with the rent stability they need to be able to borrow and invest in new and existing homes – while ensuring that there are appropriate protections for both existing and future social housing tenants.

Page wither information

- Later today the Housing Minister will be hosting a roundtable with the house building sector who have pledged their support for the plan. Today the Home Builders Federation has issued a statement on behalf of the industry backing the government's plan and commitment to build 1.5 million homes.
- The government will respond to the consultation and publish NPPF revisions before the end of the year, so policy changes can take effect as soon as possible.
- These changes will be followed by further reforms in the Planning and Infrastructure Bill, through which we are confirming today we will introduce a national scheme of delegation that focuses planning committees on the applications that really matter, avoids a potential development being reviewed multiple times even where it's been included in the local plan, and places more trust in skilled professional planners.
- The government is also confirming its intention to introduce a universal system of strategic planning across England in this Parliament, underpinned by the necessary legislation, that will deliver on the manifesto commitment to plan for growth on a larger than local scale.
- Government is doing more to support mixed use sites, which can comprise a variety of ownership and rental tenures including rented affordable housing and build to rent, and which provide a range of benefits – creating diverse communities and supporting timely build out rates.
- Government is introducing new flexibilities in the Affordable Homes Programme for GLA to unlock delivery in London.
- Government is increasing the flexibilities on how councils can use their Right to Buy receipts, which includes: removing the caps on the percentage of replacements delivered as acquisitions and the percentage cost of a replacement home that can be funded using these receipts, and giving councils the ability to combine Right to Buy receipts with section 106 contributions, with these flexibilities in place for an initial 2 years and subject to review.
- Government will review Right to Buy more widely, Page which includes looking at eligibility criteria and

protections for new homes, and will bring forward a consultation in the autumn.

- Government is confirming that the third round of the Local Authority Housing Fund will be going ahead, with £450m to councils to acquire and create homes for families at risk of homelessness.
- Government is also confirming that Awaab's Law will be introduced into the social rented sector, with more detail and secondary legislation to implement this in due course.
- The consultation includes some proposals to reform the Nationally Significant Infrastructure Projects (NSIPs) regime. This is a first step and further proposals will be brought forward in due course.

Stakeholders

Neil Jefferson, CEO, Home Builders Federation

"Today represents the first and most important step ministers have taken in addressing the barriers to delivering new homes. The scale of the government's housing ambition has given hope to the house building industry that stands ready to increase supply and tackle the country's housing shortage. The planning system has long failed to provide the amount of land needed to address affordability pressures, but in recent years the elimination of housing targets has led to housing supply plummeting. A reformed, more progressive planning system that requires local authorities to meet their communities' housing needs is a major step forward to address the barriers to delivery.

The housing market is complex and bringing more land through the planning system will help to turn around ailing housing supply provided affordable mortgage finance can be accessed and buyers are able to purchase new homes."

Victoria Hills, Chief Executive, Royal Town Planning Institute

"The proposed changes to our planning system outlined today have the potential to rebuild trust in Page 38 planning system. We believe that the

government's goals for housing, energy, and transport can be accomplished through collaboration with planners in both the public and private sectors.

It is particularly encouraging to see the government placing a much-needed emphasis on strategic planning, which can help deliver more coherent — not piecemeal — urban expansions by integrating new housing with transportation, energy, and public services.

The RTPI will begin consulting our members widely across England immediately to guide our response to the government on these and other important reforms."

Polly Neate, chief executive of Shelter

"The Deputy Prime Minister is absolutely right to put the delivery of new social homes at the heart of her plans. Every year we lose more social rent homes through sales and demolitions than we build, so the government's commitment to reversing this could effectively mean doubling the supply of social homes in a year.

The decision to set a clear expectation and target on social rent homes at a local level lays the foundation for councils and developers to deliver the housing communities so desperately need. We now need to ensure developers are delivering their fair share of genuinely affordable social homes, and not dodging their commitments.

The government's ambition must keep growing until it hits the 90,000 social homes a year that are necessary to end homelessness and relieve the extreme pressure on private renting. Building 90,000 social homes would pay for themselves in just three years and return an impressive £37.8bn back to the economy, including through jobs, savings to the NHS and the benefits bill."

Muyiwa Oki, President of the Royal Institute of British Architects

"Well thought through and fundamental reforms to our broken, backlogged planning system are to be Page 39

welcomed.

For too long, the system has been a barrier to quality development and contributed to our national housing shortfall.

Much greater emphasis needs to be placed on design quality because, fundamentally, a poorlydesigned, unattractive, unsustainable home serves nobody, not least future generations.

A shake-up of our decrepit planning system will be vital to our housebuilding revolution.

As architects, we now stand ready to act as a critical friend to government, to make sure we get these reforms right, to enable the design and delivery of the next generation of homes our country so desperately needs."

Kate Henderson, Chief Executive, National Housing Federation

"It's great to see the government place social and affordable housing at the heart of its plans for tackling the housing crisis.

"We strongly welcome the government's commitment to reintroducing more ambitious mandatory housing targets, recognising the importance of social rented homes, and to overhauling the planning system, which we have long been calling for.

"These changes are an important first step to increasing supply, and we agree with the Secretary of State that to reach the government's target of 1.5 million new homes over this parliament, we must significantly increase the supply of social and affordable housing. With the social housing sector facing huge financial pressures due to decades of cuts and rising costs, this can only be achieved through long term funding to rebuild capacity that has been lost. Housing associations are ready to deliver these homes but can only do so with the right support.

"We look forward to working with government on the se changes as part of a nationally coordinated

long term plan for housing, with funding at the next spending review, to deliver on our shared ambition to build a generation of new social homes."

Justin Young, Chief Executive, Royal Institute of Chartered Surveyors

"Securing the homes the UK requires, needs more than one solution, and it is encouraging to see many of them addressed today.

Setting localised housing targets to ensure that what is needed is built in the right places and with the right infrastructure, and working with local authorities that know their areas better than anyone, will help secure the bold ambitions of Government as well as providing jobs and opportunities. Our professionals are at the heart of the built environment, including planning, development, construction, and cost management, and are ready and equipped to help push these changes forward.

We have been calling for a greenbelt review, and applaud the introduction of clear, golden rules for grey belt. The proposed system of brown, grey, then green, should protect community spaces and secure needed but not unnecessary development. Planning reforms are a pullable policy lever for boosting economic productivity, and legislation that increases housing delivery across tenures, including affordable housing, will move the dial for those in need. We also look forward to working with Government to secure the skills needed to make ambitions a reality".

Ann Carruthers, President of the Association of Directors of Environment, Economy, Planning and Transport (ADEPT)

"ADEPT welcomes the government's recognition of the crucial role that the planning system, and planners, can play in delivering the homes, jobs and infrastructure that this country needs to fulfil its growth ambitions. We consider that a proactive, well-resourced planning system is vital to deliver successful sustainable places. We support the reintroduction of universal strategic planning and page 41

the modernisation of the planning system, so that everyone has a warm, safe and affordable home."

Jan Bessell, Board Chair, National Infrastructure Planning Association

"NIPA welcomes this early consultation by government, which will not only help implement its own agenda but also deal with issues that have been experienced with NSIP thresholds and project descriptions over the last few years in relation to water resources and energy generation infrastructure. NIPA looks forward to further infrastructure planning reform and innovation led by government, to facilitate the delivery of much needed national infrastructure and economic growth."

Andrew Carter, Chief Executive, Centre for Cities

"The Government is right to put planning reform at the centre of its economic strategy.

The UK's cities have the potential to make a larger contribution to the national economy. Tackling the shortage of housing in and around these cities is a key step towards making them – and the country – more productive.

Green belt reform in particular is welcome. The UK's biggest cities are surrounded by green belts several times their size, constraining the supply of homes for people who live and work in these places."

Melanie Leech CBE, Chief Executive, British Property Federation

"This is an ambitious package of measures, which will not only start to turn the tide on our housing crisis, but also inject some much-needed growth into our economy. We need a multi-tenure approach to tackle the housing crisis which sees social housing, homes for sale, and Build to Rent all firing on all cylinders. We are therefore particularly pleased to see that as part of the revised NPPF, Government will double down on encouraging and

Pageupporting all sectors to do their bit."

Paul Brocklehurst, Chairman, Land, Planning and Development Federation

"The new Government campaigned on a mandate of reforming the planning system to enable the building of 1.5M new homes, to deliver the affordable homes we need, and to provide the employment space and infrastructure which is essential to boost our economy. Today, the measures that the Government are announcing are the first giant stride in the long walk to achieving that goal. We, and all our members, welcome today's announcement and will work positively, constructively and tirelessly with Government to ensure that the reforms announced today, and those that may come at a later date, enable the mission of boosting economic growth to be achieved."

Simon Carter, Chief Executive Officer, British Land

"There is no silver bullet to solve the housing crisis and return the country to long-term sustainable economic growth. The government will need to deploy a range of tools to do this. The changes to national policy announced today are an important first step to put us back on the path to growth, combining targeted approach to Green Belt release, while reaffirming the presumption in favour of brownfield development, enabling viable development across a mix of tenures, and giving greater weight to critical infrastructure delivery in strategically important sectors, such as science and technology and renewables.

As a business, we have consistently advocated for practical, deliverable planning reforms, to ensure faster, more reliable planning decisions, and welcome the other measures announced today to improve performance and decision-making and provide a more predictable planning service across the country."

Mark Allan, Chief Executive, Landsec

"This is an extensive set of measures which tackle many of the issues we face within the planning Page 43".

"I am particularly pleased to see the increased focus on brownfield land and the recognition of the role mixed use and commercial development plays in driving economic growth and housing delivery.

"It is now up to our industry and our partners in local government to rise to this challenge and maximise the opportunities presented by development. Not only by delivering homes and growth, but also by ensuring that growth works to unlock opportunities for people across the country."

Rob Perrins, Chief Executive, Berkeley Homes

"Berkeley strongly supports the Government's mission to build 1.5 million new homes and welcome the steps taken today to begin reform of the planning system.

Ministers have challenged industry to do more and Berkeley is determined to play our full part. We have therefore today laid out plans for how we can start an additional 10,000 private and affordable homes over the next five years. These plans include accelerating work on our current long-term sites, securing new deliverable planning permissions, investing over £1 billion into a new 4,000 home Build to Rent programme, and returning to the land market having not bought a new site for more than $2\frac{1}{2}$ years.

As with the Government's mission for housing this plan is ambitious but achievable. When all levels of government work in partnership with industry we can move at pace, and deliver more of the good green homes people need."

António Simões, Group CEO, Legal & General Plc.

"We need a fit for purpose planning system to get the economy growing, and particularly to ensure that local communities have the homes, services, and infrastructure they need. This package of reforms is an opportunity to get millions of pounds worth of projects moving, with real world impact on housing quality and availability, infrastructure, and Paggrawth industries. It will also ensure that policies to drive pensions capital into productive assets have maximum benefit on the ground, and on savers' returns."

Nigel Hugill, Chief Executive of Urban&Civic plc.

"Recent experience is that setting clear targets for each Local Planning Authority is absolutely fundamental to lifting housing numbers. Equally, the wholehearted embracing of a mix of tenures is also to be applauded. Accelerating residential delivery will require the full range of housing providers to contribute. In all instances, homes rent faster than they sell, so we have to harness more than just the major housebuilders."

Helen Gordon, Chief Executive, Grainger plc

"It is positive to see the Labour Government hit the ground running with today's housing and planning reform proposals which is an important first step in achieving their target of delivering 1.5m new homes. In particular, the emphasis of a multi-tenure approach, where councils will need to determine and plan for local housing need for home ownership, private rental and affordable homes, is very welcome. Today's proposals will support our plans to develop over 5,000 new homes, and our ambitions to go well beyond this."

Rick de Blaby, Chief Executive, Get Living Plc

"An effective and efficient planning system is absolutely critical to providing new high quality homes of all tenures and supporting vital infrastructure. For too long the planning system has been a drag on delivery, affecting both investor appetite and crippling supply in areas that desperately need new homes for sale and rent. The new Government has recognised this and wasted no time in putting forward solutions.

"The country needs a simplified approach to planning that not only removes existing barriers but has an expanded understanding of the types of homes, neighbourhoods and infrastructure needed. We welcome the Government's decision to make planning policy a priority and the revised NPPF will pave the way for the provision of the high-quality

homes the country urgently needs to alleviate our current housing and rental crisis. A fit for purpose planning system will unlock investment, grow local economies and give people a choice of where to live."

Mark Allnutt, Executive Director – Europe, Greystar

"As a major investor in UK residential property, we have long been supportive of measures to unlock the planning system, which are essential for economic growth and should provide certainty for institutional investors. Restoring housing targets and taking steps to increase land supply, while prioritising brownfield and 'greybelt' land for development, are important steps the Build to Rent Sector welcomes. We look forward to working with both the UK Government and local authorities to deliver the additional housing supply the country needs across a full range of housing tenures including affordable homes."

Charles Roe, Director of Mortgages, UK Finance

"Everyone needs a safe, secure and affordable home so we welcome the government's plans to get Britain Building, and the announcement of increased targets for affordable housing. This commitment will help reduce the UK's shortfall of homes and get more people onto the housing ladder. Our mortgage members play a key role in helping people achieve their ambitions of home ownership. We look forward to continuing our work with lenders and government to help people and families buy their first or future home."

Michael Kiely, Chair of the Board, Planning Officers Society

"The new Government has kept to its promise to revise the NPPF before the Summer recess. I am looking forward to reading what changes Angela and her team have made to enable the planning system to meet housing need and deliver economic growth through the creation of sustainable development."

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Rt Hon Angela Rayner MP

Deputy Prime Minister and Secretary of State for Housing, Communities & Local Government 2 Marsham Street London SW1P 4DF

To: all local authority Leaders in England **Cc**: all local authority Chief Executives in

England

30 July 2024

Playing your part in building the homes we need

Earlier today, I set out to the House of Commons the Government's plan to build the homes this country so desperately needs. Our plan is ambitious, it is radical, and I know it will not be without controversy – but as the Prime Minister said on the steps of Downing Street, our work is urgent, and in few areas is that urgency starker than in housing.

As the Leaders and Chief Executives of England's local authorities, you know how dire the situation has become and the depth of the housing crisis in which we find ourselves as a nation. You see it as you place record numbers of homeless children in temporary accommodation; as you grapple with waiting lists for social housing getting longer and longer; and as your younger residents are priced out of home ownership.

It is because of this I know that, like every member of the Government, you will feel not just a professional responsibility but a moral obligation to see more homes built. To take the tough choices necessary to fix the foundations of our housing system. And we will only succeed in this shared mission if we work together – because it falls to you and your authorities not only to plan for the houses we need, but also to deliver the affordable and social housing that can provide working families with a route to a secure home.

To that end, and in a spirit of collaboration and of shared endeavour, I wanted to set out the principal elements of our plan – including what you can expect of the Government, and what we are asking of you.

Universal coverage of local plans

I believe strongly in the plan making system. It is the right way to plan for growth and environmental enhancement, ensuring local leaders and their communities come together to agree the future of their areas. Once in place, and kept up to date, local plans provide the stability and certainty that local people and developers want to see our planning system deliver. In the absence of a plan, development will come forward on a piecemeal basis, with much less public engagement and fewer guarantees that it is the best outcome for your communities.

That is why **our goal has to be for universal coverage of ambitious local plans as quickly as possible**. I would therefore like to draw your attention to the proposed timelines for plan-making set out in Chapter 12 of the National Planning Policy Framework (NPPF) consultation. My objective is to drive all plans to adoption as fast as possible, with the goal of achieving universal plan coverage in this Parliament, while making sure that these plans are sufficiently ambitious.

This will of course mean different things for different authorities.

- For **plans at examination** this means allowing them to continue, although where there is a significant gap between the plan and the new local housing need figure, we will expect authorities to begin a plan immediately in the new system.
- For plans at an advanced stage of preparation (Regulation 19), it means allowing them to continue to examination unless there is a significant gap between the plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.
- Areas at an earlier stage of plan development, should prepare plans against the revised version of the National Planning Policy Framework and progress as quickly as possible.

I understand that will delay the adoption of some plans, but I want to balance keeping plans flowing to adoption with making sure they plan for sufficient housing. I also know that going back and increasing housing numbers will create additional work, which is why we will provide financial support to those authorities asked to do this. The Government is committed to taking action to ensure authorities have up-to-date local plans in place, supporting local democratic engagement with how, not if, necessary development should happen. On that basis, and while I hope the need will not arise, I will not hesitate to use my powers of intervention should it be necessary to drive progress – including taking over an authority's plan making directly. The consultation we have published today sets out corresponding proposals to amend the local plan intervention criteria.

We will also empower Inspectors to be able to take the tough decisions they need to at examination, by being clear that they should not be devoting significant time and energy during an examination to 'fix' a deficient plan – in turn allowing Inspectors to focus on those plans that are capable of being found sound and can be adopted quickly.

Strategic planning

We know however that whilst planning at the local authority level is critical, it's not enough to deliver the growth we want to see. That is why the Government was clear in the Manifesto that housing need in England cannot be met without planning for growth on a larger than local scale, and that it will be necessary to introduce effective new mechanisms for cross-boundary strategic planning.

This will play a vital role in delivering sustainable growth and addressing key spatial issues – including meeting housing needs, delivering strategic infrastructure, building the economy, and improving climate resilience. Strategic planning will also be important in planning for local growth and Local Nature Recovery Strategies.

We will therefore take the steps necessary to enable universal coverage of strategic planning within this Parliament, which we will formalise in legislation. This model will support elected Mayors in overseeing the development and agreement of Spatial Development Strategies (SDSs) for their areas. The Government will also explore the most effective arrangements for developing SDSs outside of mayoral areas, in order that we can achieve universal coverage in England, recognising that we will need to consider both the appropriate geographies to use to cover functional economic areas, and the right democratic mechanisms for securing agreement.

Across all areas, these arrangements will encourage partnership working but we are determined to ensure that, whatever the circumstances, SDSs can be concluded and adopted. The Government will work with local leaders and the wider sector to consult on, develop and test these arrangements in the months ahead before legislation is introduced, including consideration of the capacity and capabilities needed such as geospatial data and digital tools.

While this is the right approach in the medium-term, we do not want to wait where there are opportunities to make progress now. We are therefore also taking three immediate steps.

- First, in addition to the continued operation of the duty to cooperate in the current system, we
 are strengthening the position in the NPPF on cooperation between authorities, in order to
 ensure that the right engagement is occurring on the sharing of unmet housing need and
 other strategic issues where plans are being progressed in the short-term.
- Second, we will work in concert with Mayoral Combined Authorities to explore extending existing powers to develop an SDS.
- Third, we intend to identify priority groupings of other authorities where strategic planning –
 and in particular the sharing of housing need would provide particular benefits, and engage
 directly with the authorities concerned to structure and support this cooperation, using powers
 of intervention as and where necessary.

Housing targets

Underpinning plan making – at the strategic and local level – must be suitably ambitious housing targets. That is why we have confirmed today that we intend to **restore the standard method as the required approach for assessing housing needs and planning for homes**, and reverse the wider changes made to the NPPF in December 2023 that were detrimental to housing supply.

But simply going back to the previous position is not enough, because it failed to deliver enough homes. So, we are also consulting on **a new standard method** to ensure local plans are ambitious enough to support the Government's commitment to build 1.5 million new homes over the next five years. The new method sees a distribution that will drive growth in every corner of the country. This includes a stretching yet credible target for London, with what was previously unmet need in the capital effectively reallocated to see homes built in areas where they will be delivered. The new method increases targets across all other regions relative to the existing one, and significantly boosts expectations across our city regions – with targets in Mayoral Combined Authority areas on average growing by more than 30%.

I want to be clear that local authorities will be **expected to make every effort to allocate land in line with their housing need as per the standard method**, noting it is possible to justify a lower housing requirement than the figure the method sets on the basis of local constraints on land and delivery, such as flood risk. Any such justification will need to be evidenced and explained through consultation and examination, and local authorities that cannot meet their development needs will have to demonstrate how they have worked with other nearby authorities to share that unmet need.

And we are also committed to making sure that the right kind of homes are delivered through our planning system as quickly as possible. That is why we are proposing to remove the prescriptive approach to affordable home ownership products, which can squeeze out Social and Affordable rent homes despite acute need. This will free authorities to secure more Social Rent homes, ensuring you get the homes you need in your local areas. We also want to promote the delivery of mixed use sites which can include a variety of ownership and rental tenures, including rented affordable housing and build to rent, and which provide a range of benefits – including creating diverse communities and supporting timely build out rates.

Green Belt and Grey Belt

If targets tell us what needs to be built, the next step is to make sure we are building in the right places. The first port of call is rightly brownfield land, and we have proposed some changes today to support such development.

But brownfield land can only be part of the answer, which is why we are consulting on changes that would see councils required to review boundaries and release Green Belt land where necessary to meet unmet housing or commercial need.

I want to be clear that this Government is committed to protecting nature. That is why land safeguarded for environmental reasons will maintain its existing protections. But we know that large parts of the Green Belt have little ecological value and are inaccessible to the public, and that the development that happens under the existing framework can be haphazard – too often lacking the affordable homes and wider infrastructure that communities need. Meanwhile, low quality parts of the Green Belt, which we have termed 'grey belt' and which make little contribution to Green Belt purposes, like disused car parks and industrial estates, remain undeveloped.

We will therefore ask authorities to prioritise sustainable development on previously developed land and other low quality 'grey belt' sites, before looking to other sustainable locations for meeting this need. We want decisions on where to release land to remain locally led, as we believe that local authorities are in the best position to judge what land within current Green Belt boundaries will be most suitable for development. But we also want to ensure enough land is identified in the planning system to meet housing and commercial need, and so we have proposed a clear route to bringing forward schemes on 'grey belt' land outside the plan process where delivery falls short of need.

To make sure development on the Green Belt truly benefits your communities, we are also **establishing firm golden rules**, with a target of at least 50% of the homes onsite being affordable, and a requirement that all developments are supported by the infrastructure needed – including GP surgeries, schools and transport links - as well as greater provision of accessible green space.

Building more homes is fundamental to unlocking economic growth, but we need to do so much more. That is why we are also proposing changes to make it **easier to build growth-supporting infrastructure** such as laboratories, gigafactories, data centres, electricity grid connections and the networks that support freight and logistics – and seeking views on whether we should include some of these types of projects in the Nationally Significant Infrastructure Projects regime.

Having ended the ban on onshore wind on our fourth day in office, we are also proposing to: boost the weight that planning policy gives to the benefits associated with **renewables**; bring larger scale onshore wind projects back into the Nationally Significant Infrastructure Projects regime; and change the threshold for solar development to reflect developments in solar technology. In addition, we are testing whether to bring a broader definition of water infrastructure into the scope of the Nationally Significant Infrastructure Projects regime.

And recognising the role that planning plays in the **broader needs of communities**, we are proposing a number of changes to: support new, expanded or upgraded public service infrastructure; take a vision-led approach to transport planning, challenging the now outdated default assumption of automatic traffic growth; promote healthy communities, in particular tackling the scourge of childhood obesity; and boost the provision of much needed facilities for early-years childcare and post-16 education.

Capacity and fees

I recognise that delivering on the above ambition will demand much from you and your teams, and your capacity is strained. We want to **see planning services put on a more sustainable footing**, which is why we are consulting on whether to use the Planning and Infrastructure Bill to allow local authorities to set their own fees, better reflecting local costs and reducing financial pressures on local authority budgets.

While legislative change is important, we also do not want to wait to get extra resource into planning departments – which is why I am consulting on increasing planning fees for householder applications and other applications, that for too long have been well below cost recovery. We know that we are asking a lot more of local authorities, and we are clear that this will only be possible if we find a way to give more resource.

It is also important that you are supported in the critical role you play when the infrastructure needed to kickstart economic growth and make Britain a clean energy superpower is being consented under the Nationally Significant Infrastructure Projects regime. I am therefore consulting on whether to make provision to allow host upper and lower tier (or unitary) authorities to recover costs for relevant services provided in relation to applications, and proposed applications, for development consent.

Social and affordable housing

Overhauling our planning system is key to delivering the 1.5 million homes we have committed to build over the next five years – but it is not enough. We need to diversify supply, and I want to make sure that you have the tools and support needed to deliver quality affordable and social housing, reversing the continued decline in stock. This is vital to help you manage local pressures, including tackling and preventing homelessness. Page 53

Within the current Affordable Homes Programme (AHP), we know that particularly outside London, almost all of the funding for the 2021-2026 AHP is contractually committed. That is why I have confirmed that we will press Homes England and the Greater London Authority (GLA) to maximise the number of Social Rent homes in allocating the remaining funding.

The Government will also bring forward details of future Government investment in social and affordable housing at the Spending Review, so that social housing providers can plan for the future and help deliver **the biggest increase in affordable housebuilding in a generation**. We will work with Mayors and local areas to consider how funding can be used in their areas and support devolution and local growth.

In addition, I have confirmed that the Local Authority Housing Fund (LAHF) 3 will be going ahead, with £450 million provided to councils to acquire and create homes for families at risk of homelessness. This will create over 2,000 affordable homes for some of the most vulnerable families in society.

I recognise that councils and housing associations need support to build their capacity if they are to make a greater contribution to affordable housing supply. We will set out plans at the next fiscal event to **give councils and housing associations the rent stability they need** to be able to borrow and invest in both new and existing homes, while also ensuring that there are appropriate protections for both existing and future social housing tenants.

As we work to build more affordable homes, we also need to do better at maintaining our existing stock – which is why I have announced three updates on the Right to Buy scheme:

- First, we have started to review the increased Right to Buy discounts introduced in 2012, and we will bring forward secondary legislation to implement changes in the autumn;
- Second, we will review Right to Buy more widely, including looking at eligibility criteria and protections for new homes, bringing forward a consultation also in the autumn; and
- Third, we are increasing the flexibilities that apply to how councils can use their Right to Buy receipts.

With respect to the third point, from today we are removing the caps on the percentage of replacements delivered as acquisitions (which was previously 50%) and the percentage cost of a replacement home that can be funded using Right to Buy receipts (which was also previously 50%). Councils will also now be able to combine Right to Buy receipts with section 106 contributions. These flexibilities will be in place for an initial 24 months, subject to review. My department will be writing to stock-holding local authorities with more details on the changes, and I would encourage you to make the best use of these flexibilities to maximise Right to Buy replacements and to achieve the right balance between acquisitions and new builds.

Finally, I would like to emphasise the importance of homes being decent, safe and warm. That is why this Government will introduce Awaab's Law into the social rented sector. We will set out more detail and bring forward the secondary legislation to implement this in due course. We also intend to bring forward more detail in the autumn on our plans to raise standards and strengthen residents' voices.

Next phase of reform

The action we have announced today will get us building, but as I said to the House of Commons it represents only a downpayment on our ambitions.

As announced in the King's Speech, we will introduce a Planning and Infrastructure Bill later in the first session, which will: modernise planning committees by introducing a national scheme of delegation that focuses their efforts on the applications that really matter, and places more trust in skilled professional planners to do the rest; enable local authorities to put their planning departments on a sustainable footing; further reform compulsory purchase compensation rules to ensure that what is paid to landowners is fair but not excessive; streamline the delivery process for critical infrastructure; and provide any necessary legal underpinning to ensure we can use development to fund nature recovery where currently both are stalled.

We will consult on the right approach to strategic planning, in particular how we structure arrangements outside of Mayoral Combined Authorities, considering both the right geographies and democratic mechanisms.

We will say more imminently about how we intend to deliver on our commitment to build a new generation of new towns. This will include large-scale new communities built on greenfield land and separated from other nearby settlements, but also a larger number of urban extensions and urban regeneration schemes that will work will the grain of development in any given area.

And because we know that the housing crisis cannot be fixed overnight, the Government will publish a long-term housing strategy, alongside the Spending Review, which the Chancellor announced yesterday.

We have a long way to go, but I hope today proves to be a major first step for all of us as we seek to put the housing crisis behind us. I look forward to working with you all, and am confident that together, we can achieve significant improvements that will benefit our citizens.

Yours sincerely,

RT HON ANGELA RAYNER MP

Deputy Prime Minister and Secretary of State for Housing, Communities & Local Government

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Place Select Committee
Review of Affordable Housing
Draft Outline Scope

Scrutiny Chair (Project Director): Cllr Richard Eglington	Contact details: Richard.Eglington@stockton.gov.uk
Scrutiny Officer (Project Manager): Michelle Gunn	Contact details: michelle.gunn@stockton.gov.uk
Departmental Link Officer: Jane Edmends (Assistant Director - Housing & A Fairer Stockton-on-Tees)	Contact details: Jane.Edmends@stockton.gov.uk
Alan Glew (Team Manager Strategic Housing)	Alan.Glew@stockton.gov.uk

Which of our strategic corporate objectives does this topic address?

The topic directly supports the following key objectives of the Council plan:

- A Place where people are healthy, safe and protected from harm &
- Making the borough a place with a thriving economy where everyone has opportunities to succeed

How:

- By providing good quality, affordable housing.
- By supporting independent living.

It also supports the key priority to development of a business case to actively accelerate the provision of affordable and specialist housing provision within the borough.

What are the main issues and overall aim of this review?

Like many local authorities demand for affordable and social rented housing is increasing. As a 'non stock holding' local authority we rely on Nomination Agreements with Registered Housing providers to address housing need and on relationships both Registered Housing providers and private developers to increase the supply of affordable housing in the borough. Currently we are experiencing increasing demand for affordable housing from all needs groups (i.e. families / singles & couples / those with health needs / those seeking supported housing to enable independent living) at a time when the number of affordable housing units available (via Nomination Agreements) is reducing, as outlined below:

Number of applicants registered on Tees Valley HomeFinder (Housing Register): Qu 2 2023/24 = 1331 / Qu 4 2023/24 = 2566

Number of applicants registered on Tees Valley HomeFinder (Housing Register) by band at the end of Qu 4:

Band 1 = 259

Band 2 = 512

Band 3 = 415

Band 4 = 1380

Average number of properties advertised on Tees Valley HomeFinder (per week within the borough):

2022/23 = 16 / Qu 1 and Qu 2 2023/24 = 12 / Qu 3 = 10, Qu 4 = 15

New build affordable homes (all tenures) -20/21 = 48, 21/22 = 141, 22/23 = 72, 23/24 = 146

The aim of the review is to identify potential options for how the council can increase the supply of affordable housing in the borough and therefore address housing need.

The Committee will undertake the following key lines of enquiry:

- What is the journey when applying for affordable rented accommodation:
 - o How long are people staying on the list for affordable housing?
 - Where are people living while waiting for affordable housing?
 - Are the people registered with the scheme already in housing, if not how many are homeless?
- What are the current housing requirements?
- What has been the delivery over the previous 3 years?
- What is the projected delivery?
- What are the challenges and barriers to delivery for the housing providers? E.g. land/financial
- How are other local authorities dealing with local need?
- What options are available for the Council to do more/what can we do to assist the market to increase supply?

Who will the Committee be trying to influence as part of its work?

Council, Cabinet, Housing Providers, private developers

Expected duration of review and key milestones:

7 months, reporting to Cabinet in January 2025

What information do we need?

Existing information (background information, existing reports, legislation, central government documents, etc.):

Housing Strategy https://www.stockton.gov.uk/housing-strategy-introduction
Common Allocation Policy for Tees Valley Lettings Partnership

https://www.stockton.gov.uk/common-allocation-policy-introduction

Local Plan (page 65 – 68) https://www.stockton.gov.uk/media/2518/Local-Plan-

2019/pdf/Local Plan 2019.pdf?m=1645450086087

Local letting policies

Who can provide us with further relevant evidence? (Cabinet Member, officer, service user, general public, expert witness, etc.)

What specific areas do we want them to cover when they give evidence?

SBC Planning

• Current local plan and the challenges

Housing providers

 What are their consideration re commitment to supplying affordable housing in the borough

Private Developers

See above

Private landlord/letting agent

• What is the private rental market

Other local authorities

 How are they meeting the need of their residents?

Lettings and Nominations Team

Customer Insight

How will this information be gathered? (eg. financial baselining and analysis, benchmarking, site visits, face-to-face questioning, telephone survey, survey)

Evidence at meetings, site visits, baseline data analysis

Communities powering our futures: How will key partners and the public be involved in the review?

Viewpoint – previous survey results

Older people who have been through the extra care project – how has this improved their ability to live independently

How will the review help the Council meet the Public Sector Equality Duty?

The Equality Act 2010 protects everyone from discrimination on grounds of nine Protected Characteristics (including – but not limited to – age, gender, disability, ethnicity), and advance equality of opportunity for those with Protected Characteristics. This review will be mindful of these factors.

How will the review contribute towards the Joint Strategic Needs Assessment, or the implementation of the Health and Wellbeing Strategy?

Stockton Joint Strategic Needs Assessment (JSNA):

Housing - the review outcomes will support the JSNA strategic issue that there is a shortage of appropriate, good quality and affordable housing and a lack of available housing stock that meets the needs of the boroughs most vulnerable residents.

Stockton-on-Tees Joint Health and Wellbeing Strategy 2019-2023:

All children and families get the best start in life

All people in Stockton-on-Tees live well and live longer.

All people in Stockton-on-Tees live in healthy places and sustainable communities.

Provide an initial view as to how this review could lead to efficiencies, improvements and/or transformation:

The provision of good quality, affordable housing makes a direct (positive) impact on the health and well-being of the boroughs residents and also helps address inequality. The outcome of the review will assist in alleviating budget pressure in adult social care and homelessness services.

Project Plan

Key Task	Details/Activities	Date	Responsibility	
Scoping of Review	Information gathering	April 2024	Scrutiny Officer Link Officer	
Tri-Partite Meeting	Meeting to discuss aims and objectives of review	15.05.24	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer	
Agree Project Plan	Scope and Project Plan agreed by Committee	20.05.24	Select Committee	
Publicity of Review	Determine whether Communications Plan needed		Link Officer, Scrutiny Officer	
Obtaining Evidence	Local Plan RP's Private Landlord Private Developer NHC	10.06.24 15.07.24 09.09.24 14.10.24	Select Committee	
Members decide recommendations and findings	Review summary of findings and formulate draft recommendations	11.11.24	Select Committee	
Circulate Draft Report to Stakeholders	Circulation of Report	TBC	Scrutiny Officer	
Tri-Partite Meeting	Meeting to discuss findings of review and draft recommendations	TBC	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer	
Final Agreement of Report	Approval of final report by Committee	09.12.24	Select Committee, Cabinet Member, Director	

Consideration of Report by Executive Scrutiny Committee	Consideration of report	07.01.25	Executive Scrutiny Committee
Report to Cabinet/Approving Body	Presentation of final report with recommendations for approval to Cabinet	16.01.25	Cabinet / Approving Body

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Agenda Item 6

Place Select Committee

9 September 2024

PROGRESS UPDATE ON PREVIOUSLY AGREED RECOMMENDATIONS - REVIEW OF PLANNING (DEVELOPMENT MANAGEMENT) AND ADOPTION OF OPEN SPACE

Summary

Members are asked to consider the evidence and assessments of progress contained within the attached Progress Update on the implementation of previously agreed recommendations in relation to the review of planning (development management) and adoption of open space. The Committee's final report can be accessed via the following

https://moderngov.stockton.gov.uk/CeListDocuments.aspx?Committeeld=1146&Meetingld=1403&DF=23%2f02%2f2023&Ver=2

Detail

- 1. Following the Cabinet consideration of scrutiny reports, accepted recommendations are then subject to a monitoring process to track their implementation.
- 2. Two main types of report are used. Initially this is by means of Action Plans detailing how services will be taking forward agreed recommendations. This is then followed by a Progress Update report approximately 12 months after the relevant Select Committee has agreed the Action Plan (unless requested earlier). Evidence is submitted by the relevant department together with an assessment of progress against all recommendations. Should members of the Select Committee agree, those recommendations which have reached an assessment of '1' are then signed-off as having been completed.
- 3. If any recommendations remain incomplete, or if the Select Committee does not agree with the view on progress, the Select Committee may ask for a further update.
- 4. The assessment of progress for each recommendation should be categorised as follows:

1	Achieved (Fully)	The evidence provided shows that the recommendation has been fully implemented within the timescale specified.
2	On Track (but not yet due for completion)	The evidence provided shows that implementation of the recommendation is on track but the timescale specified has not expired.
3	Slipped	The evidence shows that progress on implementation has slipped. An anticipated date by which the recommendation is expected to become achieved should be advised and the reasons for the delay.
4	Not Achieved	The evidence provided shows that the recommendation has not been fully achieved. An explanation for non achievement of the recommendation would be provided.

- 5. To further strengthen the monitoring process, from August 2020, the Progress Update report will also include references on the evidence of impact for each recommendation.
- 6. For Progress Update reports following the completion of a review, the relevant Link Officer(s) will be in attendance.
- 7. **Appendix 1** Review of Planning (Development Management) and Adoption of Open Space sets out the outstanding recommendations for this Committee. Members are asked to review the update and indicate whether they agree with the assessments of progress.

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Post Title: Scrutiny Officer **Telephone No:** 01642 524987

Email Address: michelle.gunn@stockton.gov.uk

PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

SCRUTINY MONITORING – PROGRESS UPDATE		
Review:	Planning (Development Management) and Adoption of Open Space	
Link Officer/s:	Simon Grundy	
Action Plan Agreed:	March 2023	

Updates on the progress of actions in relation to agreed recommendations from previous scrutiny reviews are required approximately 12 months after the relevant Select Committee has agreed the Action Plan. Progress updates must be detailed, evidencing what has taken place regarding each recommendation – a grade assessing progress should then be given (see end of document for grading explanation). Any evidence on the impact of the actions undertaken should also be recorded for each recommendation.

Recommendation 3:	That current planning enforcement powers are reviewed and the opportunity of employing an enforcement officer is explored.
Responsibility:	Planning Services
Date:	Sept/October 2023
Agreed Action:	Wider Benchmarking of approaches to planning enforcement of Local Authorities
	Review of performance/approach based on temporary enforcement contractor
	Introduction of a Local Enforcement Plan setting out service standards/approach
	Cost/Benefit Analysis of employing dedicated planning enforcement officer.
Agreed Success Measure:	Investigation complete and appropriate action taken, (including potential recruitment if appropriate)
Evidence of Progress (April 2024):	As detailed within the original evidence provided, all of the neighbouring local planning authorities as have a dedicated planning enforcement officer. This is also common across the rest of the north east region, except where the resource may form part of a wider 'enforcement/regulatory control' service.

PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

<u>+</u>	DM Manager	Team Leader	Principal Planning Officer		Planning Officer	Enforcement Officer
Redcar	1	-	1	1.5	-	1
Hartlepool	0.25	1	-	3	2	1
Middlesbrough	1	-	2	2	1	1
Stockton*	0.5	-	2	-	6	-
Darlington	1	-	1	-	3	1

The temporary enforcement contractor was seen as being successful in introducing a dedicated resource and point of contact to address and investigate breaches of planning control.

The benefits of repurposing a vacant planning officer role and re-introducing a permanent planning compliance role ensuring a dedicate resource and point of contact was therefore considered to offer an improved 'customer' experience. With the benefit of increases in productivity of responding to such planning compliance/enforcement queries. There was also deemed to be an added benefit of 'freeing' up some capacity of the planning officers to focus on planning applications and pre-application enquiries.

The Local Enforcement Plan (LEP) has been completed and is attached for information purposes.

Assessment of Progress (April 2024):): (include explanation if required)

1/2 – Fully complete/on track albeit some minor slippage re LEP's 'formal' introduction.

As above the new Planning Compliance Officer role was created in July 2023, with the post being successfully appointed in August 2023 and the new officer commencing employment with the council in early October 2023.

The Local Enforcement Plan (LEP) has been through its final draft and reviewed by CMT with their agreement being given to the content and introduction of the LEP.

Following a review of the documentation and process associated with the planning compliance some additional minor changes have now been made to the LEP. The LEP is also being reported to planning committee on the 10th April 2024 with view to implementation date of the 1st June 2024.

Alongside the drafting and introduction of the local enforcement plan, a review of the planning enforcement procedures has been undertaken with the introduction of some new process to aid consistency and prioritisation. Performance monitoring measure for of the identified service standards have also been developed in order that the new processes are embedded as one.

Evidence of Impact (April 2024):

Evidence of Progress (September 2024):	The Local Enforcement Plan was deferred at the planning committee meeting on the 10 th April 2024 for further member training/briefing to be undertaken. The requested briefings were completed in May / June 2024
	The LEP was then listed at the next scheduled planning committee (September 2024) where members agreed to its introduction and endorsement. The implementation date of the associated performance monitors is the 1 st November 2024
	For the avoidance of doubt, the intention is to also offer a wider briefing for Members via the Members seminar format.
Assessment of Progress (September 2024):): (include explanation if required)	1 – Fully achieved
Evidence of Impact (September 2024):	

Recommendation 4:	That Maps @Stockton is enhanced to provide information on those responsible for the maintenance of individual open spaces across the borough.
Responsibility:	Information & Intelligence
Date:	December 2023/January 2024
Agreed Action:	Discussion with Information & Intelligence over scope of information needed and timetables for implementation
	Provide relevant information from planning applications to inform mapping layer
	Information inserted into new mapping layers and assessed before going 'live'
Agreed Success Measure:	Mapping layer is introduced
Evidence of Progress (April 2024):	Following changes in structure, management responsibilities and personal within the former Information and Intelligence service, the responsibility of the GIS function / 'I share' software now sits within the council's Performance Service.
	Nevertheless, dialogue has recently taken place and the associated actions discussed/picked up with the Business Partner – Performance, to discuss the requirements for the improvements to the 'I share' mapping software. Work on bringing forward the identified improvement has begun with a list of open space site requiring information to be drawn from the associated planning applications.

	Discussion have also centred on an additional tool available (a spotlight map), where residents of the borough can input their postcode and this will highlight nearby areas of Public Open Space (POS). This tool will become readily available once the 'master' data to produce the I share layer has been completed. Whilst regrettably this piece of work has slipped, it is not considered that it will take a significant amount of time to resolve and it is anticipated that the works and identified improvements should be complete by the summer.
Assessment of Progress (April 2024): (include explanation if required)	3 – Slipped. Anticipated revised timeframe of an additional three months.
Evidence of Impact (April 2024):	NA
Evidence of Progress (July 2024):	Whilst obtaining land ownership details has been relatively straight forward some information regarding adoption is taking additional time. Additionally, we have found some gaps in the data layer which primarily include more recent housing development sites and need to get these rectified. Propose a further progress update next quarter.
Assessment of Progress (July 2024):): (include explanation if required)	3 – Slipped
Evidence of Impact (July 2024):	

Recommendation 5:	That Stockton-on-Tees Borough Council (SBC) provide guidance to town or parish councils, where approached, and continue to liaise with developers on adoption of open space.
Responsibility:	Planning Services/Community Services
Date:	January 2024
Agreed Action:	Guidance developed in accordance with planning regulations/ supplementary guidance alongside best practice on appropriate maintenance information/frequencies.
Agreed Success Measure:	Incorporated into future advice / guidance note as appropriate.

Evidence of Progress (April 2024):	Draft document to be complete and signed off by community services in by the end of summer 2024 Given existing resource pressures within the Planning Services Team it has not be possible to dedicate resource to finalising the above guidance. A broad framework for the document is in place and following the return of a Principal Planning Officer from maternity leave, it is considered that a draft of the document could be prepared relatively quickly for consideration, comments and associated amendments with the Community Services team.
Assessment of Progress (April 2024): (include explanation if required)	3 – slipped.
Evidence of Impact (April 2024):	NA
Evidence of Progress (September 2024):	The internal documentation is now complete (see attachment) and will be shared with the relevant Parish Council's or community groups as approached.
Assessment of Progress (September 2024):): (include explanation if required)	1 – Fully achieved
Evidence of Impact (September 2024):	

Recommendation 6:	That planning conditions for maintenance of open space be reviewed and options for SBC to obtain a copy of the maintenance agreement for each new residential development is investigated.			
Responsibility:	Planning Services			
Date:	a) July 2023 b) July 2023 c) September 2023			
Agreed Action:	Review of current planning condition(s) and benchmarking against other Local Authorities and Planning Inspectorate Internal consultation with colleagues in community services			
Agreed Success Measure:	a) New 'standard condition' formulated.b) Condition circulated to development management teamc) Condition incorporated into an updated 'book of standard conditions'			

PROGRESS UPDATE: Review of Planning (Development Management) and Adoption of Open Space

a) With regards to the formulation of a new standard condition, the revised Evidence of Progress((April 2024): condition as a result of a tweak to a previous condition is shown below with the additional wording identified below (underlined); On Site Public Open Space Notwithstanding the submitted information, no development shall commence until a scheme has been submitted to and has been approved in writing by Local Planning Authority has the details of the Public Open Space (POS) within the site including: The delineation and siting of the proposed POS including consideration of the ['landscape for play'] approach; The phasing for delivery of the POS across the site Existing and proposed ground levels for all the POS and any associated mounding. Mounding details shall also include typical cross sections, at a minimum scale of 1:200 illustrating topsoil capping and core materials, side slope gradients that shall not exceed 1:5 and indicative heights. Placed soil materials shall be of a suitable depth and compaction to ensure successful grass, shrub and tree establishment. The type and nature of the facilities to be provided within the POS which shall comprise of play equipment for all age groups including young children and teenagers which shall be supplied and installed to a specification as agreed by the local planning authority. Details of the preparation, cultivation, grading and drainage of large grassed areas of POS: Details of street furniture within POS: The arrangements the developer shall make for the future management of the POS including water courses which pass through the site. Where Title Transfer is not proposed the management details shall be prepared for a minimum period of 25 years from practical completion of the final phase of the POS works and shall include details of the appointed management company. The open space shall be completed in accordance with the approved scheme and any phasing arrangements as agreed. b) the revised wording has been shared with the principal planning officers responsible for major large scale housing developments likely to feature new areas of public open space. The condition will also feature within the standard book of conditions which will feature on a shared drive once complete. c) Wider book of standard conditions is well underway and is to be reviewed against a recent copy of the Planning Inspectorates book of model conditions, which is considered to be a benchmark of good practice. Assessment of Progress a) 1 - fully achieved (April 2024): b) 1 - fully achieved

c) 3 – slipped. Standard book of conditions to be complete by summer 2024

(include

required)

explanation

if

Evidence of Impact (April 2024):		
Evidence of Progress (September 2024):	C. The standard book of conditions is now complete, has been reviewed by the Principal Planning Officers and shared with those within the development management team. It is an extensive document of c.100 pages structured into appropriate topic areas. The intention is that the document is a 'working draft' whereby conditions can be added to as they are developed or we become aware of new useful conditions from the Planning Inspectorate.	
	It sits within the Planning Services Microsoft teams channel so that access is readily available to all members of the team and amendments can be tracked.	
	1 – now fully achieved	
Evidence of Impact (July 2024):		

Assessment of	1	2	3	4
Progress Gradings:	Fully Achieved	On-Track	Slipped	Not Achieved

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Guidance and best practice on appropriate maintenance for open space



Introduction

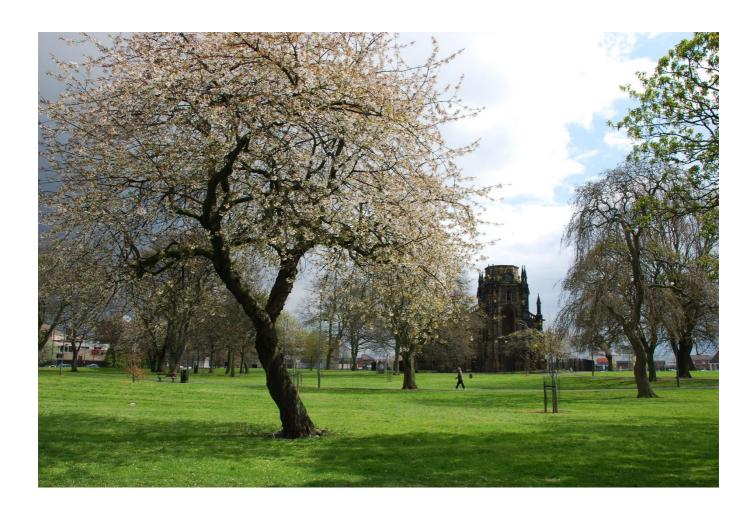
Open space should be taken into account in planning for new development. Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks.

Provision of open space is an important consideration when considering development proposals, they not only provide benefits to the overall quality of housing developments but all offer ecological value, health and recreation benefits to people living and working nearby.

The Council has other documentation which provides advice and guidance with regards to provision of open space, these include;

- Local Design Guide Supplementary Planning Document
- Open space, recreation and landscaping Supplementary Planning Document
- Planning Obligations Supplementary Planning Document

However, open spaces also need to be appropriately maintained and managed to ensure the benefits are maintained over the lifetime of the development. It is also not the sole responsibility of the Council to adopt and maintain open spaces.



Purpose

This document is intended to provide guidance and best practice to those looking to those community groups and organisation, including town and parish councils, who may be considering on maintenance responsibilities for public open space.

This will help to ensure that the quality of open spaces are maintained to appropriate standards and delivery quality landscape schemes, both for the residents of particular developments as well as the wider community.

Vision for open spaces

Open spaces should be suitable for a variety of activities this will include quiet relaxation, informal sports and more active play. Additionally the provision of green infrastructure and the potential for linkages to the wider green infrastructure network offer opportunities to enhance the ecological and biodiversity benefits to the local communities.

Open spaces should be clean, well maintained and safe. The Council is often the first point of contact where management responsibilities are below residents' expectations and community groups will need to fully understand whether there are already agreed maintenance and management arrangements in place to adhered to through planning conditions and/or approved documentation through the planning system.

With regards to a model of best practice, the Green Flag award scheme recognises and promotes well managed green spaces. The purpose & aims of the award scheme are set out below;

- To ensure that everybody has access to quality green and other open spaces, irrespective of where they live
- To ensure that these spaces are appropriately managed and meet the needs of the communities that they serve
- To establish standards of good management
- To promote and share good practice amongst the green space sector
- To recognise and reward the hard work of managers, staff and volunteers



Maintenance

Where a management company or other third party/community organisation is to provide long term maintenance of public open space, it will be necessary to ensure that the land remains in the agreed use and any agreed management/maintenance plan is fully adhered to ensure the public open space is appropriately maintained in perpetuity.

When establishing maintenance arrangements for landscaping schemes consideration should also be given to provision for watering arrangements and frequence which should form part of the management plan during the establishment period.

In some instances landscape management plans which including long term design objectives and management responsibilities/maintenance schedules may already have been agreed and established for areas of open space and these should be followed unless written agreement is otherwise reached

Typically the maintenance regime will be move involved over the first five years as the landscaping scheme establishes.

Where these are not in place or landscape management plans/maintenance schedules need revisiting appendix 1 of this guidance provides a broad indication of an expected maintenance regime. However, the final details of any landscape management plan will need to be fully informed by the landscape design approach, species mix and intended usage of the open space.

It is recommended that all maintenance will be undertaken by a competent landscape contractor, ideally registered with the British Association of Landscape Industries (BALI) and/or the British Agrochemical Standards Inspection Scheme registered (BASIS), with the BASIS Advanced Contractor Certification Scheme (BACCS).

All tree work must be undertaken by a qualified professional, registered with the Arboriculture Association and all play area inspections will be undertaken by a professional holding an up-to-date RPII certificate (Register of Play Inspectors International).



Financial implications

Those looking to maintain public open spaces, it is important to consider there are both 'Capital' and 'Revenue' spending with regards to the maintenance and upkeep of open spaces. Capital being for specific purchases and revenue funding the ongoing regular maintenance works.

As a broad comparison of identifying the indicative costs of any landscape management scheme, costs of the associate maintenance figures are contained within Appendix E; of the Planning Obligations SPD.

References and other documentation

Supplementary Planning Document: Planning Obligations (May 2008)

Open Space, Landscaping and Recreation Supplementary Planning Document (December 2009)

Local Design Guide Supplementary Planning Document (March 2023)



Appendix 1; Typical open space maintenance scheduling works

Soft landscaping;

	Description		Frequency	At what time
All new planting	Watering (year 1) Pruning	To maintain health and condition of pants. Frequency may need to be increased in warmer/dryer periods In line with	Weekly	April-October Varies
	Mulch	horticultural best practice	Appubly	Cobruga, Morob
	Mulch	Top dress with 50mm of mulch	Annually	February – March
	Divide	Lift, Divide and replant, removing weak or dead sections	Every three years	March to April
	Dead/dying planting (1-3 years)	Replacement within the planting season with same species/size unless otherwise agreed	Annually	October to March
All newly planted trees (1-3 years)	Watering (year 1)	To maintain health and condition of pants. Frequency may need to be increased in warmer/dryer periods	Monthly	April-October
	Mulch	1m radius from trunk top dressed with bark chipping of 75mm	Annually	February – April
	Weeding	300mm radius to be treated with contact herbicide	Annually	April – May
		For whips all weeds within 0.5m to be hand removed	Twice a year	May and October
	Strim Guards, ties and stakes	Check and replace	Annually and after severe weather	Anytime
New Hedge planting	General maintenance	Remove Same as new tree planting (years 1 -3)	After 5 years	



	Height reduction	In year two reduce height by a third to promote thicker growth	Once	November – February
Existing Trees	Inspection	Visually inspect health and condition of tree	Every 3- 5 years Annually where there is high footfall	Anytime
		Dangerous or damaged trees	Within 24 hours	
	Epicormic growth	Remove	Once a year	May-June and September – Octoer
	Crown works (ie. Shaping, thinning and crown lift	Maintenance to be informed by visual inspection and to maintain balanced crown	As required	November to January
Existing Hedgerows	Cut back	Cut back season's growth	Annually	February
C	Gap up	With whips of same hedge species	Annually	October - February
Free standing planters	Watering	To maintain health and condition of plants. Frequency may need to be increased in warmer/dryer periods	Weekly	April – October
	Prune	In line with horticultural best practice	Annually	Varies
	Weeding	Weed by hand	Monthly	February – April
	Mulch	Top dress to depth of 50mm	Annually	
Amenity Grass	Litter	Removed before grass cutting	Prior to each cut	
	Cutting	Minimum mow height of 40mm	14 cuts per year	March – November

Hard landscaping;

	Description		Frequency	At what time
Paths	Inspection	Visual inspection to ensure fit for purpose	3 monthly to annually	Year round
	Repairs	Make safe	As reported	Within 24 hours
		Full repair	As reported	Within 28 days
	Weeding	Spray any vegetation growing onto path with herbicide	Twice a year	May and August
Street furniture	Maintain	In accordance with manufactures instructions	Inspected at same time as paths	At all times
	Inspect			
	Repair	Make safe	As reported	Within 24 hours
		Full repair	As reported	Within 28 days
	Painting	Repaint metalwork	As required	May/August
	Replace	Any damaged or stolen	As reported	Within 6 months
Gates and locks	Inspect	Check in good working order and no accessibility restrictions	As part of inspection	Each Month
	Repair	Fully repair	As reported	Within five working days
Retaining walls/structures	Inspection	Safety Inspection by suitably qualified structural engineer	Annually	Anytime
	Repair	Make safe	As reported	Within 24 hours
		Fully repair	As reported	As per professional recommendation



Play areas;

Description		Frequency	At what time
Inspection	Recorded visual inspection by an RPII qualified individual	Weekly or fortnightly depending on useage	Each week
	Recorded operational inspection by an RPII qualified individual	Quarterly	Each month
	Independent RoSPA inspection and report	Annually	Each year (inspection period must be no greater than 1 year)
Repairs	Make safe	As reported	Within 24 hours
	Full repair	As reported	Ideally within 6 weeks
Dogs	Not permitted with	fenced play areas	at any times

General cleaning;

Description		Frequency	At what time
Litter	Litter pick or all areas	Daily to once a week depending on footfall	Each week
Litter bins/dog waste	Empty each week or when full	As above	Weekly
Leaf litter	Paths to be blown or swept	Weekly during periods of leaf fall or on accumulation of large amounts	September - December



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Stockton on Tees Borough Council

Local Enforcement Plan

SEPTEMBER 2024



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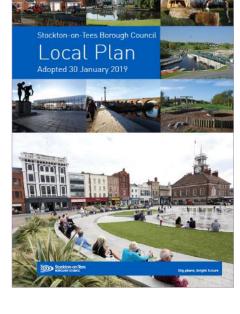
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1. INTRODUCTION

- 1.1. The National Planning Policy Framework (NPPF) encourages effective enforcement action to maintain public confidence in the planning system. It recommends that local planning authorities (LPA's) publish a local enforcement plan to help proactively manage planning enforcement in a way that is appropriate to their area. As set out in the NPPF, planning enforcement action is discretionary, and the local planning authority should act proportionately in responding to suspected breaches of planning control.
- 1.2. Stockton-on-Tees Borough Council believes that planning compliance has an important role in ensuring that the policies of the Local Plan are effective and high standards of development are achieved across the Borough.
- **1.3.** The planning enforcement function sits within the Planning Services team and the purpose of this local enforcement plan is to set out our approach to processes and investigating alleged breaches of planning control.



National Planning Policy Framework



December 2023

2. PLANNING ENFORCEMENT PROCESS;

2.1. Planning enforcement is a reactive service whereby requests are made for potential breaches of control to be investigated. These requests can come from the public, elected members, stakeholders, or council employees.

General process;

2.2. Once a case is received it will be logged and allocated to an officer to investigate. Initially the enforcement process involves an assessment as to whether there is a breach of planning control or not.

Figure 1: Main steps in an enforcement investigation



- 2.3. In certain cases, the investigation may require a site visit to establish whether a breach of planning control has taken place. There may also be some occasions where a series of visits are required to be able to establish if there is a breach in planning control.
- 2.4. Where there is no breach of planning control, the investigation will be closed, the relevant parties informed, and no further action taken. Where a matter has been previously investigated and no breach of control was found, there will be no reinvestigation of the case unless the complainant is able to provide substantive evidence of the alleged breach.
- 2.5. If a breach of planning control has occurred, then a more detailed assessment of the breach and its associated impacts will often be required.
- 2.6. The council may also need to liaise with other council departments or outside bodies to be able to form a view on the impacts of a breach of planning control.
- 2.7. All of the information and evidence is then considered and a decision as to whether it is expedient to take enforcement action against any breach of planning control or not, is then taken.

3. WHAT IS A BREACH OF PLANNING CONTROL

- 3.1. Enforcement of planning legislation can often be complex and is in some circumstances also a lengthy process to go through. This is because a balance needs to be considered between upholding planning policies, safeguarding the amenity of an area and the rights of individuals to use or alter their property as they choose.
- 3.2. Nevertheless, the council has the ability to take enforcement action when a breach of planning control has occurred provided that it is deemed appropriate, and those powers are set out within the Town and Country Planning Act 1990.
- 3.3. The council is required to give those responsible for unauthorised works the opportunity to put matters right before taking formal enforcement action. If the council's actions are considered unreasonable, too harsh, or legally incorrect any enforcement action can be overturned by the Planning Inspector, or the courts and the council can also be liable to pay any associated costs.

When does a breach of planning control occur?

- 3.4. A breach of planning control is defined within the Town and Country Planning Act (section171A), a breach occurs when development has occurred without having the required planning permission, or when the development is not being carried out in accordance with any of the imposed planning conditions.
- 3.5. A breach of planning control can also occur when development is carried out without obeying the relevant limitations or conditions

- which are set out within the Town and Country Planning (General Permitted Development Order) 2015.
- 3.6. The most common breaches of planning control that the council deals with include;
 - where something has been built without planning permission.
 - when the use of land or a building has altered without permission.
 - unauthorised development within conservation areas and unauthorised alterations to listed buildings.
 - where unauthorised advertisements have been installed.
 - when conditions attached to planning approvals have not been complied with.
 - the poor condition of land impacting on the visual amenities of the wider area.
- 3.7. The onus to apply for planning permission rests with the land/property owner. If any remedial works are required, then the property owner/developer will be liable for the full extent of any associated costs. In addition, any breach of planning control may show as part of a property search should you wish to sell your property in the future.

3.8. However, it is not necessarily a criminal offence to carry out development without planning permission. However, in the event unauthorised development involves advertisements, works to protected trees or listed buildings, or if a formal planning enforcement notice has been served and it has not been complied with, then a criminal offence may have occurred, and the council may seek to take all necessary legal action to resolve the situation.

What cannot be considered under planning enforcement?

3.9. The planning enforcement process has a very clear legal framework and it must be related to both planning legislation and be something which would require/have planning permission.

Those matters which do not fall within the planning remit will not be investigated and we will inform you of the reason why the planning department will not investigate. Where sufficient information is provided, and any matter falls within the responsibility of other areas of the Council then they will be redirected to the appropriate department(s).

Many of those common aspects which don't relate to planning include;

- neighbour disputes
- land boundaries or ownership disputes
- deeds of covenant issues
- works to party walls

- parking of commercial vehicles on the highway
- parking a caravan within the residential boundary of a property
- use of / development on highways or pavements
- dangerous structures
- internal alterations to houses (unless a listed building or creating a separate dwelling/flat)



Wynyard Woodland Park

4. REPORTING A BREACH OF PLANNING CONTROL

- 4.1. Stockton on Tees Borough Council will investigate those complaints which it receives in writing as this helps us to maintain a clear audit trail so that there is no misunderstanding of what is being complained about and also prevents any malicious complaints being received.
- 4.2. The council has an on-line form which can be used to submit any planning enforcement queries. This is the easiest and quickest way to get a planning enforcement concern looked at. Alternatively email and letter will also be accepted where we have the required minimum level of information. Telephone calls will only be accepted where the unauthorised works relate to a listed building or protected tree.
- 4.3. We will <u>not</u> investigate any anonymous complaints, complaints which rely on an email address or those which do not include the necessary mandatory information.



Stockton Town Centre - Fountain

- 4.4. The minimum level of information that must be provided includes;
 - your name and address,
 - telephone number or e-mail address.
 - location of the building or site
 - nature of the activity
 - explain what problems the development/use is causing to you (e.g. noise, traffic, smells, overshadowing).

Confidentiality

- 4.5. All planning enforcement matters are treated with a high degree of discretion and officers will not disclose any information which relates to the person(s) reporting the breach of planning control.
- 4.6. Where formal action is being taken and you have previously provided evidence to support an investigation you may be asked to give that evidence at a hearing, but before then you will be asked if you are prepared to do that. Most complaints are dealt with without the need for formal action.
- 4.7. Under the Freedom of Information Act 2000, if a request is made for the identity of the complainant or for information which may identify the complainant, we will not disclose your details. In some circumstances the information may be required to be disclosed by law. In such cases you will be contacted for your permission.

HOW WE WILL INVESTIGATE A BREACH OF PLANNING CONTROL

- 5.1. In order to make an effective use of resources, all incoming enforcement cases will be categorised and given an appropriate priority based on the information provided (see Table 1).
- 5.2. This will determine the broad timetable for processing any enforcement matter. The priority rating may be changed by the planning department following an assessment of any relevant planning history and any site visits, in a case where it is deemed necessary.
- 5.3. The associated timeframes and key waypoints for dealing with enforcement action (Table 2) are indicative and give a broad timeline for the majority of cases. In some circumstances there may be unforeseen delays (such as the complexity of a case, protracted negotiations or at times of high workloads within the department), where such matters arise, the council will try to notify any complainant at an appropriate time.

TABLE 1; ENFORCEMENT PRIORISATION CATEGORIES

The three enforcement priorities;

Emergency – these cases will involve circumstances where there is a high likelihood that irreversible harm will occur if the council do not act immediately i.e. unauthorised felling/pruning of protected trees or unauthorised works to listed buildings.

High Priority – these cases will include matters where there is a high likelihood that there will be (or the potential for) significant harm to be caused within the surrounding area i.e. unauthorised uses/activities which are causing significant noise/disturbance; breaches in conditions which affect residential amenity; or circumstances which affect highway safety.

Low Priority – these cases will typically be matters which do not pose a significant threat to an area or are unlikely to result in immediate or irreversible harm i.e. building of walls/fences, unauthorised advertisements.

The investigation

- 5.4. Initially we will carry out some desk-based checks. Should there be no breach in planning control then the investigation will cease at this point. Where there is a potential breach, the case priority level will be established, and the case officer will investigate further. This may include a site visit to help establish whether there is a breach of planning control. The majority of site visits are made without prior arrangement, and it is generally unnecessary to visit a complainant's property or to meet with them. At the end of an investigation, we will decide what the next steps may be (case action determined) which could include deciding not to pursue enforcement action; to seek a retrospective application; or whether the use of more formal powers may be necessary if any appropriate resolution cannot otherwise be reached.
- 5.5. Officers are authorised under Section 196A of the Town and Country Planning Act 1990 to enter (at any reasonable hour and when it is reasonably necessary), land to ascertain whether there is any breach of planning control. However, officers do not have powers to force entry into any house and we will leave a card to try and arrange a convenient time to visit. In rare cases, officers may apply for a warrant.
- 5.6. As part of the site investigation, officers will ask questions, take photographs and measurements. This information will be used to ascertain whether a breach of planning control has taken place.

TABLE 2; PLANNING ENFORCEMENT WAYPOINTS

Action	Priority Level		
	Emergency	High	Low
Register complaint	Immediately	Within 2 working days	Within 2 working days
Start initial assessment process	Within 24 hours	Within 5 working days	Within 5 working days
Initial response to complaint	Within 48 hours (excluding weekends)	Within 10 working days	Within 10 working days
Commence investigation	Within 48 hours (excluding weekends)	Within 4 weeks	Within 6 weeks
Enforcement Case Action Determined	As soon as is possible if significant or irreversible harm is occupying	Within 8 weeks	Within 12 Weeks

6. ASSESSING THE IMPACT AND WHETHER ENFORCEMENT ACTION IS REQUIRED?

- 6.1. In certain or straightforward cases where the council has sufficient information either as part of the complaint or from our own records and information then the investigation may simply be a 'desk-based exercise'. In other cases, site visits may be required to gain a full understanding of the alleged breach of control.
- 6.2. Where officers can find no evidence of a breach of planning control, the investigation will be closed, the relevant parties informed, and no further action taken.
- 6.3. Such cases will not be reinvestigated unless more substantive evidence of the alleged breach of planning control is provided.
- 6.4. The general test applied is "would planning permission be likely to be granted for the development". Only material planning considerations will be part of this process. Issues such as; loss of value to property, Party Wall Act matters, competition with other businesses, land ownership disputes, loss of a view or breaches of a covenant will not be considered.
- 6.5. Where a breach has occurred and if the council consider matters can be rectified then we will initially attempt to resolve breaches of planning control through negotiation. Negotiation will not be allowed to unjustifiably delay any necessary planning enforcement action, but they can take time to resolve.

6.6. In other cases where further information is required, then the council may serve a Planning Contravention Notice (PCN). The main purpose of a PCN is to gather necessary information to help establish whether there is a breach of control or whether there is a case for taking enforcement action. It is an offence if the recipient of the notice fails to provide the required information or knowingly makes a false or misleading statement on the PCN. If convicted of such an offence, the offender would be liable on conviction, to a fine currently not exceeding £5,000.

Exceptions

- 6.7. There are exceptions where breaches of planning control become lawful through the passage of time and in such cases no action can be taken. These include;
 - 4 years (10 years after 25 April 2024) of substantial completion for operational development (i.e. structural alterations/construction)
 - 4 years (10 years after 25 April 2024) for an unauthorised change of use of a building / structure to a single dwelling house
 - 10 years for any other breach of planning control (such as changes of use or breaches of condition).

7. PLANNING ENFORCEMENT ACTION AND POWERS AVAILABLE

- 7.1. In considering whether to take planning enforcement action or not, it will be necessary to take account of national planning policies including the NPPF, the Governments planning practice guidance, the relevant policies of the Local Plan and all other relevant material planning considerations.
- 7.2. Ultimately In deciding whether or not to take planning enforcement action the council must consider whether it is expedient to do so, in line with the expediency test (Figure 2).
- 7.3. Should planning enforcement action be required then the council has a number of different options available to consider. In some cases, there may be several which apply, and the most appropriate one will be chosen. The various options which are available are identified in Appendix 1.
- 7.4. If a matter is to be pursued in the courts, the council will need to consider whether the evidence held is sufficient enough to ensure that there is a realistic prospect of a conviction. Any evidence must clearly prove that the offence has occurred and identify who is legally responsible for that breach.
- 7.5. There may also be circumstances where it is not in the public interest to pursue action, and these will be discussed with the council's Legal

Services Team. The council will not initiate prosecution proceedings where it is disproportionate, likely to be ineffective in resolving the breach or where there is no realistic prospect of conviction.

7.6. Where it is necessary to use witnesses, the witness will be advised of the possible need to attend court and will be asked to provide a written witness statement. In such circumstances, if witnesses cannot or do not provide the necessary evidence, those prosecution proceedings may not be pursued.

FIGURE 2: EXPEDIENCY TEST:

This involves the Planning department assessing whether;

- the breach is in accordance with the policies of the Local Plan
- whether there are any other material planning considerations
- whether planning permission would have been likely to be granted
- whether the breach unacceptably affects public amenity
- whether the breach unacceptably affects any existing land,
 use or buildings which merit protection in the public interest
- whether action would be proportionate with the breach to which it relates
- whether it is necessary and/or in the public interest.

8. SERVICE STANDARDS

- 8.1. In order to ensure that the council is providing an effective planning enforcement service, it has identified a number of ways in which it can monitor its performance and where necessary take appropriate action to remedy any shortcomings in the service it is providing.
- 8.2. Our service targets which ensure our performance can be measured are:
 - 70% of enforcement case closed where no breach identified within 20 working days
 - 60% of enforcement requests receiving an initial response (i.e. no breach of control identified or further investigation to be undertaken) within 10 working days
 - 60% of planning enforcement cases, where the case actions are determined within the established priority timescales.
- 8.3. In all planning related matters, no two cases are the same and although the council will aim to meet with the timeframes and service standards identified there may be unforeseen delays. Where

these matters arise, the council will notify any complainant of any such circumstance at an appropriate time.

Complaints about the service.

8.4. Should you be unhappy about with advice you have received, the action being taken, or the level service you have received by a member of the Planning Services team in exercising our planning enforcement functions please contact us on the details below;

Phone: 01642 526022

Email: planningdevelopmentservices@stockton.gov.uk

Alternatively, you can complain using the council's corporate complaints process on the details below:

Phone: 01642 527521

Email: foi and complaints@stockton.gov.uk

APPENDIX 1: TYPES OF ENFORCEMENT ACTION

Type of Action;	
No formal action	This is often the quickest way of dealing with a breach of planning control. In some instances, the owner or occupier of a property acknowledges they have made a genuine mistake and takes immediate action to remedy it.
	The local planning authority will never condone a willful breach of planning law but planning enforcement action should be proportionate to the breach of control and in some cases the local planning authority may decide that it is not necessary to take action – often termed as not being expedient to take action.
	This may include circumstances where there is a trivial or technical breach of control which causes no material harm or adverse impacts or in circumstances where development is acceptable on its planning merits.
Retrospective planning application	A local planning authority can invite a retrospective application where it is considered that an application is the most appropriate way to regularise the situation. A local planning authority can also use an 'Enforcement Warning Notice' to formalise the process of inviting a retrospective planning application. If an application is invited it does not automatically follow that permission will be granted.
Planning contravention notice (PCN)	A planning contravention notice is often used by the council to seek information they may want for enforcement purposes, these may include asking questions about the use/operations being carried out on the land.

Enforcement notice	An enforcement notice should only be issued where the local planning authority is satisfied that there has been a breach of planning control, and it is expedient to issue an enforcement notice. This will set out what the council considers to be the breach of planning control and what action(s) will be required to rectify the situation.
	An appeal against an enforcement notice can be made to the Planning Inspectorate. It is an offence not to comply with an enforcement notice once the period for compliance has passed. A person guilty of an offence is liable on conviction to an unlimited fine and the council can in certain circumstances also seek to apply to recover any financial benefit obtained through the unauthorised development under the Proceeds of Crime Act 2002.
Planning enforcement order	A planning enforcement order may be necessary where a person deliberately conceals unauthorised development. A planning enforcement order enables an authority to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired. To take this action the council must make an application within 6 months of the council becoming aware that there has been a breach of planning control. The application must be made to a magistrates' court and a copy must be served on the owner/occupier of the land, and anyone else with an interest in the land.
Stop notice	A stop notice prohibits any or all of the activities which comprise the alleged breach(es) of planning control specified in the related enforcement notice, however, it cannot prohibit the use of any building as a dwelling house, or the siting of a caravan occupied by a person as his or her own main residence. It is however necessary to ensure that a stop notice only prevents what is essential to safeguard amenity, public safety or prevent serious or irreversible harm to the environment.
Temporary stop notice	Temporary stop notices are a tool that allows local planning authorities to act very quickly to address some breaches of planning control, where it is expedient to do so. The council must be satisfied that the breach of planning control stops immediately and give appropriate reasoning for serving the temporary stop notice.
	A temporary stop notice should only be served to safeguard amenity, public safety or prevent serious or irreversible harm to the environment. In the event a temporary stop notice is served it can last up to 56 days.

Breach of condition notice (BCN)	A breach of condition notice requires that previously imposed conditions are complied with and is an alternative to serving an enforcement notice. However, there is no right of appeal to a breach of condition notice. If a breach of condition notice is not complied with then prosecution can be sought via the Magistrates' Court.
Section 215 notice	A section 215 notice is served on a land/property owner if the land/buildings are deemed to be untidy and affect the amenity of an area. Where a notice is not complied with then a decision is made to determine whether; • Action is necessary • Seek to prosecute • Carry out works in default Where the council carries out the work in default it can seek to recoup the monies which could include registering a charge against the property.
Advertisements	The erection of unauthorised advertisement is a criminal offence and in some cases the council may seek a prosecution. In other cases, a land/property owner may be advised to seek retrospective approval.
Injunction	A local planning authority can, where they consider it expedient for any actual or apprehended breach of planning control to be restrained, apply to the High Court or County Court for an injunction to restrain a breach of planning control. Proceedings for an injunction are the most serious enforcement action that a local planning authority can take and failure to comply with an injunction could result in a prison sentence for contempt of court.

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Agenda Item 7 Place Select Committee Work Programme 2024-2025

Date <u>(4pm unless</u> <u>stated)</u>	Topic	Attendance
Monday 15 April 2024	Monitoring: Action Plan - Scrutiny Review of Domestic Waste Collections, Kerbside Recycling and Green Waste Collections	Dale Rowbotham
	Monitoring: Progress Update - Planning (Development Management) and Adoption of Open Space – April 2024	Simon Grundy
Monday 15 April 2024 (informal – after formal meeting)	Scrutiny Review of (Unauthorised) Roadside Advertising • Summary of evidence/draft recommendations	Marc Stephenson
Monday 20 May 2024	Scrutiny Review of (Unauthorised) Roadside Advertising • (Draft) Final Report Scrutiny Review of Affordable Housing • Scope and Project Plan	Marc Stephenson/Carolyn Nice Jane Edmends/Alan Glew
Monday 10 June 2024	Scrutiny Review of Affordable Housing • Evidence gathering	Jane Edmends/Alan Glew David Bage and John Dixon
Monday 15 July 2024	Scrutiny Review of Affordable Housing • Evidence gathering	Jane Edmends/Alan Glew/ Thirteen / North Star / Beyond Housing
Wednesday 24 & Monday 29 July 2024	Scrutiny Review of Affordable Housing • Site Visit to Nominations and Lettings Team	Members of the committee
Monday 9 September 2024	Scrutiny Review of Affordable Housing • Evidence gathering	Jane Edmends/Alan Glew / Michael Poole Estate Agents/Keepmoat Housing

Place Select Committee Work Programme 2024-2025

Date (4pm unless stated)	Topic	Attendance
	Monitoring: Progress Update - Planning (Development Management) and Adoption of Open Space – September 2024	Simon Grundy
Monday 14 October 2024	Scrutiny Review of Affordable Housing • Evidence gathering	Northern Housing Consortium
	Monitoring: Progress Update - Scrutiny Review of Domestic Waste Collections, Kerbside Recycling and Green Waste Collections – October 2024	Dale Rowbotham
Monday 11 November 2024 (Informal)	Scrutiny Review of Affordable Housing • Summary of evidence /draft recommendations	Jane Edmends/Alan Glew
Monday 9 December 2024	Scrutiny Review of Affordable Housing • Final Report	Jane Edmends/Alan Glew
Monday 13 January 2025	TBC Overview Reports Town Centres Development Environment, Leisure & Green Infrastructure Community Services Inclusive Growth & Development Housing and A Fairer Stockton-on-Tees	Cllr Nigel Cooke/ Cllr Clare Gamble/ Cllr Norma Stephenson OBE/ Garry Cummings/ Reuben Kench/ Ann Workman/ Carolyn Nice/ Neil Mitchell/ Craig Willows
Monday 10 March 2025		