

Report to:	Cabinet	Date of Meeting:	25 May 2023
Subject:	Adoption of Supplementary Planning Documents and Planning Information Notes		
Report of:	Assistant Director, Place - Economic Growth and Housing	Wards Affected:	All Wards
Portfolio:	Cabinet Member - Planning and Building Control		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

The Council has recently consulted on the following Supplementary Planning Documents (SPDs):

- Affordable and Supported Housing SPD;
- Conversion to Flats and Houses in Multiple Occupation SPD;
- House Extensions SPD;
- New Build Homes SPD;
- Social Value (employment and skills) in development SPD;

And the following Information Notes:

- Contributions towards education - A guide for developers; and
- HRA Recreational Pressure.

Having considered the responses received, in conjunction with the Cabinet Member for Planning and Building Control, it is proposed that the SPDs and the Information Notes, incorporating any changes recommended in the report and appendices, should be adopted by Council with immediate effect following Cabinet, to enable them to be given weight as material considerations when planning applications are determined.

Recommendations:

(1) That the following Supplementary Planning Documents (SPDs) be adopted:

- Affordable and Supported Housing SPD;
- Conversion to Flats and Houses in Multiple Occupation SPD;
- House Extensions SPD;
- New Build Homes SPD;
- Social Value (employment and skills) in development SPD;

(2) That the following Information Notes be adopted:

- Contributions towards education - A guide for developers;
- HRA Recreational Pressure

(3) That the Chief Planning Officer be granted delegated authority to make minor editorial and presentational changes prior to the publication of the SPDs and Information Notes

(4) That the existing SPDs/Information Notes that will be replaced by the above (listed in section 9) be revoked.

Reasons for the Recommendations:

It is necessary for the Council to review and adopt the Supplementary Planning Documents (SPDs) and Information Notes to provide clear and consistent guidance for developers and others about how the requirements of policies in the Sefton Local Plan will be interpreted and implemented.

Alternative Options Considered and Rejected: (including any Risk Implications)

The alternative would be not to adopt the SPDs. This would require planning decisions to be made using outdated policies.

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):	
None	
Legal Implications:	
None	
Equality Implications:	
There are no equality implications.	
Impact on Children and Young People:	
None	
Climate Emergency Implications:	
The recommendations within this report will	
Have a positive impact	No

Have a neutral impact	Yes
Have a negative impact	No
The Author has undertaken the Climate Emergency training for report authors	Yes

The SPDs and Information Notes add further guidance to Local Plan policies. They can't introduce new policies or allocate land for development. Therefore, their scope to have any meaningful impact on climate change is negligible.

Contribution to the Council's Core Purpose:

Protect the most vulnerable: N/a
Facilitate confident and resilient communities: A number of the SPDs will help prevent poor quality and inappropriate development in the local areas
Commission, broker and provide core services: N/a
Place – leadership and influencer: N/a
Drivers of change and reform: N/a
Facilitate sustainable economic prosperity: The Social Value helps to prioritise jobs and training opportunities from new developments for local people, particularly those who are long term unemployed and care leavers
Greater income for social investment: The Social Value helps to prioritise jobs and training opportunities from new developments for local people, particularly those who are long term unemployed and care leavers
Cleaner Greener A couple of the SPDs seeks higher standards in terms of outdoor private amenity space for occupants.

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Executive Director of Corporate Resources and Customer Services (FD.7210/23) and the Chief Legal and Democratic Officer (LD5410/23) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Each of the draft Supplementary Planning Documents and Information Notes were subject to wide public and stakeholder engagement in line with the Council's Statement and Community Involvement.

Following the expiry of the "call-in" period for the Minutes of the Cabinet Meeting

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Appendices:

The following appendices are attached to this report:

- Appendix A Comments made and suggested Council response to the draft SPDs and Information Note
- Appendix B Comments made and suggested to the draft HRA Recreational Pressure – Information Note
- Appendix C Affordable and Supported Housing SPD
- Appendix D Contributions towards education - A guide for developers Information Note
- Appendix E Conversion to Flats and Houses in Multiple Occupation SPD
- Appendix F HRA Recreational Pressure – Information Note
- Appendix G House Extensions SPD
- Appendix H New Build Homes SPD
- Appendix I Social Value (employment and skills) in development SPD

Background Papers:

There are no background papers available for inspection.

1. Introduction/Background

1.1 Consultation on the following draft Supplementary Planning Documents (SPDs) took place between October and December 2022:

- Affordable and Supported Housing SPD;
- Conversion to Flats and Houses in Multiple Occupation SPD;
- House Extensions SPD;
- New Build Homes SPD;

1.2 At the same time, the Council also consulted on an update to the information note on Contributions towards education - A guide for developers.

1.3 The Council subsequently published an additional SPD called Social Value (employment and skills) in Development and an additional section to the Conversion to Flats and Houses in Multiple Occupation SPD for consultation during February and March 2023.

1.4 Many comments were received during the consultation periods. These have now been considered and a summary of the comments made. Our responses are set out in Annex A.

1.5 The Council had previously consulted on an Information Note - HRA Recreational Pressure, during January and February 2022. Comments on this have also now been considered and a summary of the comments made, and our responses are set out in Annex B.

1.6 In many cases, the comment has resulted in proposed changes to the SPDs. These suggested changes are also set out in Annexes A and B. Some minor changes have also been made to the SPDs for clarity. This report sets out a summary of some of the comments received and changes made but the tables at Annexes A and B should be used for the comprehensive list.

1.7 Each of the proposed SPDs, with the amendments made, are provided as Appendices to this report.

1.8 Once the SPDs and Information Notes are adopted, they will be given significant weight when planning applications are determined.

2. Affordable and Supported Housing SPD

2.1 The aim of the Supplementary Planning Document (SPD) is to provide clear guidance to applicants, developers and other stakeholders on how the Council will deal with planning applications for affordable or supported housing or for market homes that trigger the need for affordable or supported housing.

Summary of comments of received.

2.2 Suggestions were made to offer the possibility of making payments to provide off-site affordable housing as an alternative to having to provide it on-site, as the view was expressed that having affordable housing throughout the site could put off some developers from developing in Sefton. There was also some support for 'pepper potting' affordable homes (i.e. distributing them across a housing site) but caveated that the text

needs to consider the practicalities of how the affordable housing will be managed, particularly in relation to apartment blocks. Comments were also made requesting flexibility to allow more affordable housing products viz-a-viz 'First Homes' on schemes of less than 200 homes.

2.3 Concerns were expressed at introducing a price cap for discounted market homes through an SPD rather than a Local Plan update. Similar concerns were expressed that qualification criteria for affordable market housing, such as a local household income threshold, were too onerous and below the national threshold.

2.4 Concerns were expressed by a Registered Provider (RP) over the Council's insistence on securing 100% affordable schemes through a section 106 agreement and that this may impact their ability to secure grant funding.

Summary of changes made

2.5 Text changed to provide more clarification on the types of affordable homes ownership on schemes of fewer than 200 dwellings.

2.6 The text has been amended to reflect the fact that sometimes it may be acceptable to have blocks of more than six apartments as affordable housing for management purposes.

2.7 Amendments have been made to the price cap household income for First Homes and Discounted Market Homes to reflect more recent data.

3. Conversion to Flats and Houses in Multiple Occupation SPD

3.1 The main purpose of this SPD is to provide detailed guidance on how we assess proposals for converting buildings to flats or Homes in Multiple Occupation. This considers the impact on the amenity of future residents, impact on neighbouring properties and the wider community.

Summary of comments of received.

3.2 Concerns have been expressed that some of the standards in the SPD are not evidence based or based on any recognised nationally or locally prescribed standards. There are also concerns that the Council do not understand the HMOs and flat market and specifically market demand and this is reflected in onerous and unrealistic standards in the SPD. It is questioned whether this is for political motives.

3.3 The need for communal lounges in HMOs is questioned, as is not allowing excavations in front of windows of basements to create better outlook to habitable rooms. Concerns have been expressed that if minimum rooms sizes do not include en-suite bathrooms, this may result in developers only providing communal bathrooms. This will result in less safe and lower standard accommodation.

3.4 The 100m radius of an application site to determine whether there is an over-concentration of HMOs and Flats is questioned and it is contended that this is not based on clear evidence.

3.5 The need for and extent of private outdoor amenity space is questioned for HMOs. The argument is that most HMO residents don't spend much time using that space.

3.6 Merseyside Police have recommended we include various references in the SPD to security measures in HMOs, including secure locks for internal doors and secure individual post boxes.

Summary of changes made

3.7 The SPD text has been amended to allow ensuite bathrooms to be included in the HMO room calculation, subject to a minimum living space being provided.

3.8 The SPD has been amended to allow some flexibility for ground excavation at the rear of properties to improve the outlook to lower ground floor/basement rooms. Clarification is provided about when a skylight can be accepted as providing suitable outlook.

3.9 An amendment has been included to clarify that the restriction to the number of HMO or flat conversions in an area will only apply to the Article 4 Direction area. A change is also made to clarify that this restriction will not apply within defined centres as they are generally accepted as places that have a concentration of people living there.

3.10 The section on management plans, consulted on separately, has been included in the SPD.

4. House Extensions SPD

4.1 The main purpose of this SPD is to provide a guide for homeowners, applicants and their agents, neighbours and other members of the public as to how we will deal with planning applications for house extensions and related household development.

Summary of comments of received

4.2 United Utilities have made a number of detailed comments and suggested additions to the SPD. These can be summarised as:

- Want the SPD to be clear on not allowing house extensions to be built over wastewater pipes or public sewers.
- Making sure that any hard surfacing retains water within the site and not onto public roads and into sewers.
- Emphasising the importance of rainwater storage methods.
- Wanting to encourage new tree planting to slow down rain water.

Summary of changes made

4.3 Whilst Some of UU's comments are overly detailed for an SPD, shortened versions of their suggestions have been included and where appropriate, links to further information added.

5. New Build Homes SPD

5.1 The purpose of the SPD is to provide guidance for housebuilders, applicants and their agents, neighbours and other members of the public on how the Council will deal with planning applications for new build homes, flats and various residential and care developments. The SPD will help guide the Council when making decisions on applications for those developments.

Summary of comments of received

5.2 Comments made have suggested that extensions that could be built, through permitted development rights, should be included in the volume of an existing property to be replaced in the Green Belt.

5.3 Comments were made concerning whether the Council can introduce internal space standards for new dwellings through an SPD. Clearer wording was sought on what constitutes a bedroom in a new home and requests for flexibility on when a room is classed as a study (instead of a bedroom).

5.4 Sport England have stated that they would like to see the importance of 'Active design' reflected in the SPD. Sport England have also commented on the provision of open space and why per unit contributions are not appropriate for sports provision.

5.5 There is a comment that introducing the optional water standards of 110 litres per day (lpd) through an SPD is not appropriate.

5.6 United Utilities have made a number of comments. Amongst these is a request for the 'agent for change' principle to apply to wastewater treatment infrastructure to protect them from future complaints.

Summary of changes made

5.7 This SPD has been amended to reflect that minimum floorspace standards and the higher water management standards are advisable. The section from the existing Affordable Housing SPD in relation to bedroom definition is moved to this SPD and the typical size of a bed is removed as this was being misinterpreted as being the minimum width of a room.

5.8 A new paragraph has been added to section 7 to encourage developers and occupiers of new homes to take measures to manage and reduce surface water flood risk. This includes during construction for flood risk reduction.

6. Social Value (employment and skills) in development SPD

6.1 The purpose of this SPD is to outline to developers what Social Value is within the context of planning and new development. It also sets out what the Council will expect from certain large developments and sets out what information developers should provide to demonstrate that social value (employment and skills) benefits are being maximised. Specifically, this SPD will be looking at how employment and training opportunities can be maximised from new development. It will also (where applicable) explore any potential supply chain and contract/sub-contracting opportunities for local businesses.

6.2 No comments were received in relation to this SPD.

7. Contributions towards education - A guide for developers Information Note

7.1 The aim of this document is to provide a clear approach to the types and location of housing development that we will look to secure financial contributions towards expanded and new primary school places because of new development.

Summary of comments of received

7.2 The only comment was an objection to removing the education contribution in Park ward due to the number of new homes being built.

Summary of changes made

7.3 No changes proposed due to the evidence indicating that there is, and will be, spare capacity in local primary and secondary schools in the local area. In addition, all significant housing allocations in the area have now been granted planning permission.

8. HRA Recreational Pressure – Information Note

8.1 The purpose of this Information Note is to set out Sefton Council's Interim Approach to the mitigation and management of recreation pressure, arising from new housing development in Sefton, on the internationally important nature sites on the Sefton Coast. These include the Sefton Coast Special Area of Conservation, Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site, Mersey Narrows and North Wirral Foreshore SPA and Ramsar Site and Liverpool Bay SPA. The Information Note sets out what applicants with proposals for new housing have to do to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).

Summary of comments of received

8.2 Questions are raised about the lack of information about what is expected if a developer chooses to 'opt-out' and produce a bespoke approach to recreational pressure. Also, some concern that the 'opt-out' approach may be so onerous that it may by default cause developers to have to 'opt-in'.

8.3 A number of developers and the Home Builders Federation have also commented that the scheme may be seen to be bringing in policy outside of the scrutiny of a Local Plan process and has not been subject to viability testing, resulting in it being likely to be a financial burden on developers.

8.4 A number of residents have complained about the different rate of charging for the 'opt-in' approach in Sefton East compared to areas closer to the coast. They believe that Sefton East will get less money. Similarly concerns have been expressed that the money should be able to be spent locally.

8.5 Comments have been made about the appropriateness of building houses near to the coast at all and the importance of the coast and referring to climate change impacts of development.

8.6 Maghull Town Council consider that the Recreation Management Scheme (RMS) is at an embryonic stage and that the interim approach is not justified now due to there needing to be more evidence through the RMS. Maghull Town Council are also concerned about the impact on its own Neighbourhood Plan and specifically policy MAG1 which identifies spending priorities on local open spaces. Others have commented too that they see the evidence behind the approach as being insufficient.

8.7 Concerns have been expressed at how the 'opt-in' figures have been arrived at.

8.8 The Marine Management Organisation asks that the note take account of their licensing requirements and both the Northwest inshore and Northwest offshore marine plans.

8.9 Natural England have supported the approach set out in the note. They would welcome detailed notes on the governance of how the money will be spent. They have also sought clarification for what type of residential developments will be subject to the note.

8.10 Clarification has also been sought from a developer as to how the note fits in with the Nature Conservation SPD. Thornton Parish Council have said they are concerned at the proposed 'opt-in' approach in relation to Habitats Regulations and are concerned that it reads that it bypasses HRA legislation. Clarity is sought.

Summary of changes made

8.11 The note has been updated with more detail on the 'opt-out' approach.

8.12 The note has been updated to provide clarity on the type of residential accommodation that is covered by the note.

8.13 The note has been updated to clarify how it fits in with the Nature Conservation SPD.

8.14 The note has been updated to be clear that whilst HRA is required, the 'opt-in' measures have been agreed and adds the HRA stages and what the case law is.

9. Revocation of existing SPDs/Information Note

9.1 As a result of the above SPDs/Information Note being adopted, the following SPDs/Information Note will be revoked:

- Affordable and Special Needs Housing and Housing Mix SPD (2018)
- Contributions towards education provision: A Guide for developers – Information Note (2017)
- Flats and Houses in Multiple Occupation (HMOs) SPD (2018)
- House Extensions (2018)
- New Housing (2018)

9.2 For clarity, a previous version of the HRA Recreational Pressure – Information Note from 2018, has previously been revoked.

10. Next Stages

10.1 If approved, the SPDs and Information Notes will be published on the Council's planning web pages and be used in assessing planning applications.