

<b>Report to:</b>	Cabinet	<b>Date of Meeting:</b>	7 <sup>th</sup> September 2017
<b>Subject:</b>	Adoption of Supplementary Planning Documents and Information Notes		
<b>Report of:</b>	Chief Planning Officer	<b>Wards Affected:</b>	All
<b>Portfolio:</b>	Cabinet Member - Planning and Building Control		
<b>Is this a Key Decision:</b>	Yes	<b>Included in Forward Plan:</b>	Yes
<b>Exempt / Confidential Report:</b>	No		

### **Purpose/Summary**

Consultation has taken place between March and May 2017 on a number of draft Supplementary Planning Documents (SPDs) and Information Notes. The responses have now been assessed in conjunction with the Cabinet Member: Planning and Building Control. Some changes to the draft SPDs are proposed so that they can be adopted. These are set out in the body of the report.

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

In addition, following the adoption of the Sefton Local Plan in April 2017, a review of the extant SPDs and Supplementary Planning Guidance (SPG) notes has taken place.

Whilst many require updating to take account of the adoption of the Local Plan and other changes in circumstances, the Archaeology SPG and the Green Space, Trees and Development SPD are no longer required and should be revoked.

### **Recommendation(s)**

1. That the following Supplementary Planning Documents and Information Notes be adopted by the Council:
  - 1.1 Land east of Maghull SPD (including the SEA Report).
  - 1.2 Crosby Centre SPD
  - 1.3 Nature Conservation SPD
  - 1.4 Open Space SPD
  - 1.5 Control of hot food takeaways and betting shops SPD
  - 1.6 Developer contributions towards education provision Information Note
  - 1.7 Mineral Safeguarding Information Note
  
2. From the date of this decision, there are two SPD and SPG that will no longer apply due to further policy development, the main body (paragraph 1.4) provides the specific details.

## How does the decision contribute to the Council's Corporate Objectives?

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		X	
2	Jobs and Prosperity	X		
3	Environmental Sustainability	X		
4	Health and Well-Being	X		
5	Children and Young People		X	
6	Creating Safe Communities	X		
7	Creating Inclusive Communities	X		
8	Improving the Quality of Council Services and Strengthening Local Democracy		X	

### Reasons for the Recommendation:

It is necessary for the Council to adopt the Supplementary Planning Documents (SPDs) and Information Notes in order 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. Similarly, as it is no longer necessary to refer to the Archaeology SPG and the Green Space, Trees and Development SPD, these need to be revoked so that people do not refer to out of date guidance.

### Alternative Options Considered and Rejected:

The alternative would be not to adopt the SPDs and Information Notes. However, this is contrary to the requirements of the Sefton Local Plan, and would result in similar information being provided in relation to all relevant planning applications. In addition, if there were no adopted SPDs or Information Notes, the guidance would not be able to be given the same weight in the decision-making process as with the SPDs in place. This would also result in the inefficient use of resources.

Conversely, if the Archaeology SPG and the Green Space, Trees and Development SPD are not revoked, people will refer to out of date guidance, which could involve them and Council Officers in wasted time and expense.

### What will it cost and how will it be financed?

#### (A) Revenue Costs

None

#### (B) Capital Costs

None

## Implications:

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Financial</b> As set out in the report
<b>Legal</b> The Cabinet has delegated authority to adopt Supplementary Planning Documents [SPD's] for Development Management Purposes
<b>Human Resources</b> N/A
<b>Equality</b> 1. No Equality Implication <input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated <input type="checkbox"/>
3. Equality Implication identified and risk remains <input type="checkbox"/>

## Impact of the Proposals on Service Delivery:

The adoption of these documents will assist the provision of planning guidance in an efficient and consistent manner.

## What consultations have taken place on the proposals and when?

The Head of Corporate Resources (FD 4777/17) and the Head of Regulation and Compliance (LD4061/17) have been consulted and have no comments on the report.

## Implementation Date for the Decision

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

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## Background Papers:

The following papers are available for inspection on the Council website via this link:

<https://www.sefton.gov.uk/newSPD>

## **1. Introduction/Background**

- 1.1 Consultation on the following draft Supplementary Planning Documents (SPDs) and Information Notes took place between March and May 2017:
- Land east of Maghull SPD
  - Crosby Centre SPD
  - Nature Conservation SPD
  - Open Space SPD
  - Control of hot food takeaways and betting shops SPD
  - Developer contributions towards education provision Information Note
  - Mineral Safeguarding Information Note
- 1.2 A number of comments were received as a result of the consultation taking place. These have now been assessed and some changes are proposed to the draft SPDs before they can be adopted. Where relevant, these have been discussed with other relevant parts of the Council and partner organisations, and agreed by the Cabinet Member: Planning and Building Control. Some changes have also been required as a result of changed circumstances and more information being available. These are set out in the body of the report.
- 1.3 Once the SPDs and Information Notes are adopted, they will be given significant weight when planning applications are determined.
- 1.4 Following the adoption of the Sefton Local Plan in April 2017, a review of the extant SPDs and Supplementary Planning Guidance (SPG) notes has taken place. Whilst many require updating to take account of the adoption of the Sefton Local Plan, the Greenspace, Trees and Development and the Archaeology SPGs are no longer required and it is proposed that are no longer required because they have been superseded by policies in the National Planning Policy Framework (NPPF) or the Local Plan or are no longer required.

## **2. Land east of Maghull SPD**

- 2.1 This SPD is required by Local Plan policy MN3 'Land east of Maghull' to provide the development framework for this key strategic site. The site will provide a minimum of 1400 dwellings, including affordable and aged persons housing, a serviced Business Park with a net area of 20ha, as well as supporting facilities and infrastructure. It is the largest site allocated for development in the Local Plan and will be developed by a number of developers over the next 15 – 20 years.
- 2.2 The SPD, which can be viewed at [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd), provides more detailed requirements about how the policy requirements set out in the Local Plan should be met and how constraints such as flood risk, surface water management and ecology should be addressed. It also sets out an indicative timetable for the delivery of key planning milestones including the enlargement of the Summerhill Primary School, and the provision of a bus route through the site, the Business Park, the proposed open space, and local shops and services.
- 2.3 It sets out development principles to ensure that the site is developed as an integrated and comprehensive manner, over about 15 - 20 years by several

developers. Each area is likely to be subject to separate planning applications, so it is essential that they fit together to achieve a high quality development. It therefore identifies the location and extent of the proposed Business Park and where the accessed will be located, the route of the distributor road and the proposed bus route through the site, pedestrian and cycle routes, the 'main' park and other open space that is required, and the location of the local shopping provision. It also sets out how flood risk and surface water management needs to be addressed across the whole of the site, and not simply within each individual development.

- 2.4 The SPD also sets out design requirements for the site to ensure a high quality design is achieved. As well as architectural design, the SPD also sets out a requirement that a Design Code for each neighbourhood is included as part of the Design and Access Statement submitted with individual planning applications for the development of the site.
- 2.5 It also sets out requirements relating landscaping and the provision of open space, the provision of new habitats and sustainable drainage systems including the long term management and maintenance of these areas.
- 2.6 The SPD also sets out when financial contributions to the expansion of Summerhill School are required, and the triggers for when the provision of the serviced Business Park and local shopping provision and other infrastructure are required. This includes a contribution towards the cost of the provision of improved health facilities to serve Maghull, if it is decided not to locate them located within the development.
- 2.7 A total of 10 comments were received on this SPD, which also can be viewed at [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd) from statutory consultees, developers, Maghull Town Council and one local resident. A table setting out a summary of their comments and the Council's response and the revised SPD can be accessed via the Council's website: [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd)
- 2.8 As a result of the consultation, and other emerging requirements, a number of changes have been made to the SPD. For example, it is accepted that enabling development may be required to facilitate the provision of the Business Park provided that this will complement and not compete with the proposed local shopping provision. Any such development would need to comply with Part 6 of Local Plan Policy MN2 'Housing, employment and mixed use allocations', and the SPD has been changed to reflect this.
- 2.9 Clarification is also provided in the SPD about the location of facilities such as the 'MUGA' (multi-use games area) to ensure that its parking is not accessed via residential roads, and to enable the older persons' housing to be located within 100m of the proposed bus route rather than a bus stop. Reference has also been made to the Council's green energy policy, and the need to link and enhance habitats, green corridors and biodiversity as requested by Maghull Town Council.
- 2.10 Other requirements have also emerged. The **Canal and Rivers Trust** has requested that a contribution is made toward the cost of signage and the upgrading of the Leeds Liverpool Canal towpath in the vicinity of the site, while the **Environment Agency** is investigating whether it would be possible to provide

flood storage facilities on the site without adversely affecting the development potential of the site. This would help relieve flood risk elsewhere in Maghull. In addition, the **South Sefton CCG** is refining its views about what and where its enhanced health facilities in Maghull are located. If this is located in the town centre rather than on this site, the SPD has been amended to enable a financial contribution to be made as an alternative to provision on site.

- 2.11 However, a number of suggestions have not been agreed with. For example, Maghull Town Council has suggested that the SPD should take account of the emerging Neighbourhood Plan for Maghull. However, this is not possible given the early stage the Plan is at. Countryside Properties and Persimmon Homes have made comments on the timing of the provision of infrastructure including the provision of the Business Park and the local shopping provision, although the suggested adjustment to the timing of the educational contribution to increasing the size of Summerhill School is reasonable.
- 2.12 A summary of the comments received and the Council's response is set out on the website [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd).

### **3. Crosby Centre SPD**

- 3.1 This SPD, which can be viewed at [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd), sets out a framework for investment and development within Crosby centre, taking into account the recommendations of the Crosby Investment Strategy and the relevant policies in the Sefton Local Plan which seek to secure the regeneration of the centre. It identifies a number of development principles that apply across the whole centre as well those specific to the three sites that have been identified for future development.
- 3.2 Seven responses, which can also be viewed at [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd) were received from organisations as a result of the consultation on the draft SPD. Four made no comments. Substantive comments were received from the Crosby Investment Strategy Group and from St Modwen, who are a key landowner and investor in the centre.
- 3.3 The Crosby Investment Strategy Group has submitted a range of comments. Where these relate to factual inaccuracies or areas where clarity would improve the SPD, changes have been made, but where their comments relate to matters outside the scope of the SPD as they do not relate to land use, these have not been able to be addressed.
- 3.4 For example, reference has been made to the presence of St Michael's Cross within section 2 'Context' of the SPD.
- 3.5 St Modwen's comments relate to the development of the centre and their future aspirations. They are concerned that the SPD is too prescriptive in relation to future design solutions, especially where the SPD requires new developments to be at least 2 storeys' in height. They also suggest that options for the refurbishment of existing assets to enhance the character of the area should also be considered, such as to the Glenn Buildings. This will also allow for a more holistic approach to improving the town centre and ensuring the best results are achieved. Changes have been made to reflect these comments.

- 3.6 Their concerns have been addressed where appropriate, in order to maximise flexibility whilst ensuring that the centre is regenerated in the manner envisaged by the Council.
- 3.7 A table setting out a summary of the comments received and the Council's response and the revised SPD can be accessed via the Council's website [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd)

#### **4. Nature Conservation SPD**

- 4.1 The Nature Conservation SPD, which can be viewed at [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd), sets out how the Council will deal with planning applications that may result in a significant likely effect on an internationally important nature site or which may affect other designated sites of nature and/or geological importance, Priority Habitats, legally protected species and/or Priority Species. It supplements policies NH1 'Natural Assets', NH2 'Nature' and NH3 'Development in the Nature Improvement Area'. It provides examples of how biodiversity can be incorporated into development and provides guidance on the relationship with and the requirements of the Habitats Regulations.
- 4.2 Eight responses to the SPD, which can also be viewed at [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd), consultation were received. Four organisations made no comments. The Canal and Rivers Trust asked for a reference to the Leeds Liverpool Canal to be made in section 1.2 of the SPD and in the glossary, and this change has been incorporated. The Lancashire Wildlife Trust made comments mainly in relation to the examples provided in the SPD, and where appropriate, their comments have been included.
- 4.3 Natural England considered that the SPD could be challenging to read. However, this comment was at odds with other comments received from the conservation and development sectors, who felt it was clear and well set out and thus no change has been made to the tone and structure of the SPD. However, Natural England's main concerns were to the section relating to compensation for international sites. This is only permissible if the development is considered to be of 'overriding public importance' (IROPI). The loss of 'functionally linked land' is mitigation not compensation and is therefore permissible. Appropriate changes have been made to the SPD.
- 4.4 Finally, Taylor Wimpey UK made comments in relation to its site at Brackenway, Formby. They suggest that the SPD should be explicit that the Council is responsible for undertaking a Habitats Regulations Assessment (HRA) once the developer has provided the relevant information, and should also refer to instances where the Local Plan includes provision for significant mitigation measures as part of the site allocation to offset the impact on areas of nature conservation. These changes have been made.
- 4.5 Since the consultation draft was published, consultation has taken place on the Sefton Coast Plan, and the scope of Planning's pre-application charging has been amended to include MEAS's charging policy. At the same time, further information is provided to applicants about the Habitats Regulations and the relationship with Sefton Local Plan, in particular for housing development and

recreational pressure matters which address comments made by Natural England and the wider context about visitor pressure on the Sefton coast.

- 4.6 A table setting out a summary of their comments and the Council's response and the revised SPD can be accessed via the Council's website [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd)

## **5. Open space SPD**

- 5.1 The Open Space SPD, which can be viewed at [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd), aims to provide clear guidance relating to the implementation of Local Plan policies EQ9 'Provision of public open space, strategic paths and trees in development' and NH5 'Protection of open space and Countryside Recreation Areas'. In relation to the former, it sets out what public open space is required in connection with new development, whilst with regard to policy NH5 it sets out guidance to assess whether an open space or an outdoor sports and recreation facility is surplus to requirements and what constitutes appropriate replacement provision. It also sets out broad design principles and expectations for management and maintenance, so that open space is of the same high quality irrespective of who provides or manages it.
- 5.2 Reflecting the policy position in the Local Plan, it is no longer always appropriate to require open space to be provided on every site and in many instances a financial contribution will be sought towards the cost of improving a nearby existing open space. Where open space is provided on site, it will be the developer's responsibility to manage and maintain these areas, not the Council's.
- 5.3 Any developer who has already signed a section 106 Agreement in relation to open space provision could apply to vary the existing Agreement to reflect the new requirements.
- 5.4 Ten responses, which can be viewed at [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd), were received from organisations (statutory consultees and three housebuilders) as a result of the consultation on the draft SPD. Three of the respondents, including Sport England, had no comments.
- 5.5 The Canal and River Trust has identified 6 allocated housing sites located close to the Leeds Liverpool Canal where development may increase towpath usage. They would like a mechanism putting in place so that they can secure financial contributions towards towpath improvements when these sites are developed. Where these are local to the site, this is an appropriate consideration at the planning application stage, subject to the requirements being sought being proportionate and appropriate, and not having an adverse impact on viability.
- 5.6 Natural England has made suggestions about how the SPD could be amended so as to avoid increased access to sensitive nature sites on the Sefton coast as part of the approach to managing recreational pressure on these areas as required by the Habitats Regulations Assessment of the Local Plan. They made a similar comment in relation to the Nature Conservation SPD.
- 5.7 Additional references have therefore been included in the SPD relating to the need for financial contributions and/or other measures to offset the impact of



development on the Sefton coast and to improve the Canal towpath where appropriate. The SPD also includes the new requirement that on new development sites, high quality recreational opportunities should be provided close to where people live as this will help manage recreation pressures on the internationally designated nature sites on the Sefton Coast.

- 5.8 The responses from the housebuilders (Barratt Homes, Bellway Homes and Taylor Wimpey UK) were concerned about the impact providing open space would have on the viability of developing their sites.
- 5.9 As a result, the amount of commuted sums being sought has been reviewed, so that it now better reflects both the scope of likely off-site enhancements required and the commuted sum currently set out in the Green Space, Trees and Development SPD, but which will be revoked once this SPD is adopted. The rationale as to why this sum is being sought has also been revised and simplified. At 2017 – 2018 prices this equates to £2,050 per dwelling for off-site improvements. However, higher amounts will still be sought if there are additional site-specific requirements which are necessary to make the development acceptable. This commuted sum approach is also relevant in relation to compensatory provision of open space under policy NH5 through enhancing existing open space facilities.
- 5.10 Finally, a plan has been included in the SPD showing the location of the Main Parks and Countryside Recreation Areas to help users of the SPD identify areas where new open space is required for developments of between 11 – 149 new dwellings which are in a Recreation Deficiency Area.
- 5.11 The SPD also makes it clear that compensatory provision to replace sports pitches/facilities lost as a result of development under policy NH5 could be achieved through enhancing existing facilities. The SPD makes clear that any compensatory financial provision must be set within the context of implementation of the Playing Pitch Strategy; currently the Council's priority is to help secure the provision of 3G football pitches on a limited number of 'hub' sites.
- 5.12 A table setting out a summary of their comments and the Council's response and the revised SPD can be accessed via the Council's website [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd)

## **6. Hot food takeaways and betting shops**

- 6.1 This SPD sets out how hot food takeaways and betting shops, both of which have the potential to harm health and well-being, will be regulated, in support of Local Plan policies EQ1 'Healthy Sefton' and EQ10 'Food and drink'.
- 6.2 In relation to hot food takeaways, the SPD provides guidance on appropriate locations for new facilities taking into account the concentration of similar premises in the vicinity and the proximity of secondary schools and further education establishments. Limiting new outlets in these sensitive locations will help to promote healthy communities and maintain the character, vitality and viability of our town, district and local centres and shopping parades.

- 6.3 In relation to betting shops, the popularity of fixed odds betting terminals in betting shops is thought to contribute to rising rates of problematic gambling. The SPD therefore seeks to restrict these to locations in the defined town, district and local centres and shopping parades.
- 6.4 In both cases, the concentration of each use should not exceed 5% of the total number of commercial units in the centre or parade. In addition, only one unit of each type of use will be permitted in a parade of fewer than 20 units, and in the centres, the proportion of A1 uses (retail shops, post offices, hairdressers etc) in the primary retail frontages should not fall below 70% of the total units in the relevant area.
- 6.5 In response to the consultation, responses were received from 6 organisations. Neither Natural England nor the Environment Agency made any comments, but the Canal and Rivers Trust expressed concern that hot food takeaways have the potential to negatively impact on waterways such as the Leeds Liverpool Canal due to the litter generated. The SPD covers the provision of litter bins, but will be strengthened to require the applicant to demonstrate that sufficient provision is made for refuse disposal away from the property.
- 6.6 St Modwen has suggested that the wording about the percentage of each use in a centre or parade could be made clearer. They are also concerned that the 2 year period for marketing a vacant unit is excessive and should be reduced to 12 months. Their comments are accepted and appropriate changes will be made.
- 6.7 The remaining comments were made on behalf of KFC and David Pluck Bookmakers. As a result of the latter's comment, what constitutes a "sensitive location" in the SPD has been clarified in the SPD. KFC are concerned that both uses are being treated similarly although they are dissimilar. They are also concerned that the evidence for restricting hot food takeaways is weak, a point made at the Local Plan examination. However the Local Plan Inspector agreed that Local Plan policy EQ10 is consistent with the 'promoting healthy communities' objectives of the NPPF and PPG by promoting access to healthier food. It is not proposed to make any changes in response to their comments.
- 6.8 A table setting out a summary of their comments and the Council's response and the revised SPD can be accessed via the Council's website [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd).

## **7. Minerals Safeguarding Note**

- 7.1 Although Sefton does not have extensive mineral resources within its area, it does contain sand and gravel suitable for use as construction aggregate. Currently no extraction is taking place in Sefton, although some of these resources have been worked in the past. In addition, marine-won aggregate is landed at the Port of Liverpool. As a result, a Minerals Safeguarding Area (MSA) has been designated in the Local Plan.
- 7.2 The guidance note has been prepared to assist those proposing development within a designated MSA. Appendix 2 of the MSA sets out the evidence requirements in order that a Minerals Assessment can be submitted with any

relevant planning application. This is to ensure that mineral resources are not sterilised.

- 7.3 Only 3 responses to the Note were received: from the Canal and Rivers Trust, the Environmental Agency and Peel Ports. The former made suggestions regarding additions to the SPD to cover the potential contamination of its waterways, whilst the EA were concerned about the potential for the pollution of ground water abstractions. Their comments, together with those made by Peel Ports, have been addressed by replacing the publication version of the Local Plan policy NH8 'Air and Water Quality' with the adopted version in Appendix 1.
- 7.4 A table setting out a summary of their comments and the Council's response and the revised SPD can be accessed via the Council's website [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd).

## **8. Financial contributions for Education Information Note**

- 8.1 The level of new housing building proposed in the Local Plan will result in increased pressure on capacity in Sefton's schools. In the absence of an adopted Community Infrastructure Levy the Council is seeking a financial contribution of £2065.13 per new dwelling apart from specialist accommodation for older people or housing restricted to the over 55's and one bedroomed accommodation. That is because such housing is not expected to have residents of school age living there.
- 8.2 The Note sets out how the amount of money required is calculated, and where payments are required since not all of Sefton has a shortage of school places, and is subject to viability. The payment is staged over up to 2 years, depending on the size of the development and the amount of money due.
- 8.3 Five responses were received. The Environment Agency and Natural England had no comments, but the 3 house-builders who responded all expressed concern about the need for the payments in advance of CIL, the evidence that justified its requirement, who should pay for an Viability Assessment, and when the payments should be made (i.e. on completion of the development instead of on commencement).
- 8.4 In most cases, no changes are proposed in relation to the comments made. However, it is agreed that where it can be demonstrated that schools in the local area have capacity, it is not appropriate to require a contribution. The Note has been amended to acknowledge this.
- 8.5 Once CIL has been adopted, this Note will be withdrawn.
- 8.6 A table setting out a summary of their comments and the Council's response and the revised SPD can be accessed via the Council's website [www.sefton.gov.uk/newspd](http://www.sefton.gov.uk/newspd).

## **9. Existing SPDs and SPGs**

- 9.1 Once the Open Space SPD is adopted, it will replace the current Greenspace, Trees and development SPG, and the latter should therefore be revoked.

- 9.2 The Archaeology SPG was adopted in November 2003. Its context has either been superseded by the National Planning Policy Framework (NPPF) and / or policies in the Local Plan, and it is therefore proposed to revoke this SPG.
- 9.3 Planning Services will update the remaining SPGs and SPDs to reflect the new policy context provided by the NPPF and the Local Plan. It is anticipated that the remaining SPDs and SPGs will be replaced and updated as necessary over the next 12 - 18 months as resources permit.