

REPORT TO: Planning Committee
Cabinet Member: Regeneration
Cabinet

DATE: 16th December, 2009
16th December, 2009
17th December, 2009

SUBJECT: Review of the HMRI planning framework

WARDS AFFECTED: Linacre, Derby, Litherland, Netherton & Orrell

REPORT OF: Andy Wallis, Planning & Economic Regeneration Director

CONTACT OFFICER: Ingrid Berry

**EXEMPT/
CONFIDENTIAL:** NO

PURPOSE/SUMMARY:

1. To confirm that the extant planning framework provided by saved policies in the UDP, Supplementary Planning Guidance & Development Briefs is still relevant to the HMRI programme, and
2. To assess the impact of changes that have taken place since this was put in place, including:
 - Changes to the housing market as a result of HMRI intervention, and the impact of the credit crunch;
 - The adoption of the UDP and approval of the North West of England Plan, Regional Strategy to 2021 (RS);
 - The work done and studies commissioned to support the preparation of the core strategy; and
 - The implications of human rights legislation.

REASON WHY DECISION REQUIRED:

To confirm that the planning framework is up to date and fully supports the Council's resolution to make further Compulsory Purchase Orders (Minutes 83 and 84, Cabinet, 6th August 2009) in the Bedford & Queens Road, and the Klondyke & Hawthorne Road areas of Bootle

RECOMMENDATION(S):

1. That Planning Committee & the Cabinet Member: Regeneration ask Cabinet to confirm that the existing planning framework is still appropriate and supportive of the Council's strategy for the HMRI area: and
2. That Cabinet confirms that the existing planning framework is still appropriate and supportive of the Council's strategy for the HMRI area.

KEY DECISION: NO

FORWARD PLAN: NO

IMPLEMENTATION DATE: Following the end of the "call in" period.

ALTERNATIVE OPTIONS:

There are no alternative options. The Council needs to reaffirm and demonstrate that it has a sound and robust planning framework in place to support its agreed CPO action in the event of any Public Inquiry into the same.

IMPLICATIONS:

Budget/Policy Framework: None

Financial:

<u>CAPITAL EXPENDITURE</u>	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<u>REVENUE IMPLICATIONS</u>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

Legal: The Director of Legal Services and Hill Dickinson have contributed to the preparation of this report.

Risk Assessment: This report is required with a view to preventing unnecessary delay, and to assist the consideration of the Council's planning framework at any required Public Inquiry into any Compulsory Purchase Orders that may be made pursuant to Minutes 83 and 84 of Cabinet on the 6th August 2009

Asset Management:

N/A

CONSULTATION UNDERTAKEN/VIEWS

The HMRI Director, the Legal Services Director & Hill Dickinson have been consulted during the preparation of this report.

CORPORATE OBJECTIVE MONITORING:

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

LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

1. The North West of England Plan – Regional Spatial Strategy to 2021, GONW, September 2008
2. Sefton Unitary Development Plan, Sefton Council, June 2006
3. South Sefton Housing Market Renewal: Klondyke & Canal Corridor SPG, July 2004
4. Klondyke & Canal Corridor Development Brief, November 2004 (as amended)
5. South Sefton Housing Market Renewal: Bedford Road / Queens Road SPG, July 2004
6. Bedford Road / Queens Road Development Brief, November 2004
7. Core Strategy leaflet prepared for Linacre & Derby workshop, June 2009
8. Sefton Strategic Housing Market Assessment, Fordham, June 2009
9. Draft Strategic Housing Land Availability Assessment, WYG, August 2009

1. Background:

- 1.1 The report considered by the Cabinet Member: Regeneration & Cabinet in July / August 2009 set out, in Section 12, a statement of the planning position, which supported the proposals to make Compulsory Purchase Orders to acquire the remaining lands & interests in the areas known as Phase 3 of the Bedford Road / Queens Road area and Phase 1b of the Klondyke estate.
- 1.2 The report clearly set out how the current planning policy framework supported the proposals, it did not set out the detail of changes that have taken place nationally, regionally & locally since the local planning framework was prepared in 2003 - 2004. In the case of the national planning policy guidance, many of the Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs) have been replaced, whilst both the Regional Strategy and the Unitary Development Plan (UDP) were both still at a draft stage.
- 1.3 This report also considers how early work on the preparation of the Sefton Core Strategy will affect the planning framework, and whether the changes to the planning framework set out in this report have had any impact on human rights.

2. The planning policy framework

- 2.1 The planning policy framework set out in the previous report included:
 - National planning policy – Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs);
 - The Regional Strategy – the North West of England Plan
 - The adopted Unitary Development Plan (UDP), and supporting Supplementary Planning Guidance notes (SPGs) and Development Briefs.
- 2.2 The Regional Strategy and the UDP form the Council's Development Plan. Each lower level in the planning policy framework provides more specific and detailed guidance in relation to the 'Redevelopment Proposals', with the SPGs and Development Briefs providing the most detailed policy guidance relating to these areas.
 - a) National planning policy
- 2.3 Paragraph 12.1 of the report indicated that the redevelopment proposals were in line with national planning policy, and specifically referred to PPS1: Delivering Sustainable Development, PPS3: Housing, and PPG13: Transport.
- 2.4 PPS1 was replaced in January 2005. The PPS confirms Government's commitment to sustainable development, and the need for community engagement when preparing plans. The saved policies in the UDP, the SPGs and the Development Briefs for both the Klondyke and Bedford Road / Queens Road neighbourhoods (see paragraphs 2.12 – 2.21 below), are fully consistent with and fully support with these requirements.

- 2.5 PPS3 was replaced in November 2006. The changes from the previous version largely reflect the recommendations of the Barker Review of Housing Supply (March 2004), and the Government's commitment to improving the affordability and supply of housing in all communities. In particular, authorities are required to have a rolling five-year supply of available and deliverable housing land at all times. The PPS also reinforces the Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live.
- 2.6 To achieve this, the Government is seeking to:
- achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.
 - widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.
 - improve affordability across the housing market, including by increasing the supply of housing.
 - create sustainable, inclusive, mixed communities in all areas, both urban and rural.
- 2.5 These housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:
- High quality housing that is well-designed and built to a high standard.
 - A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
 - A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
 - Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
 - A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.
- 2.6 The saved policies in the UDP, the SPGs and the Development Briefs for both neighbourhoods (see paragraphs 2.12 – 2.21 below), fully support with these requirements.
- 2.7 PPG13 had not been updated since it was published in April 2001, and thus the policy framework provided by this statement of government policy has not changed and has no implications on the documents in our planning policy framework.

b) Regional planning policy

- 2.8 At the time the UDP, the SPGs and the Development Briefs for these neighbourhoods were prepared, the North West of England Plan (Regional Strategy to 2021) was still at the draft stage. It was published in September 2008.
- 2.9 Paragraphs 12.2 – 12.5 of the previous committee report set out the key policies relating to Sefton’s proposals in the HMRI neighbourhood. Specifically, Policies LCR1 ‘Liverpool City Region Priorities’ & LCR2 ‘The regional centre & inner areas of the Liverpool City Region’ confirm that new residential development should be focused on the HMRI area in order to secure a significant increase in population and to support major regeneration activity.
- 2.10 The saved policies in the UDP, the SPGs and the Development Briefs for both neighbourhoods (see paragraphs 2.12 – 2.21 below), fully support with these requirements.

c) Sefton’s planning policy framework

- 2.11 In Sefton, the planning policy framework supporting the Council’s proposals in the HMRI area comprise policies in the ‘saved’ UDP, as well as area-specific SPGs and Development Briefs that were adopted under the ‘old’ (pre-2004) planning system. Work has commenced on preparing our Core Strategy as the first document in our Local Development Framework (LDF).

(i) The UDP

- 2.12 The UDP was adopted on 29th June, 2006. By letter dated 15th April, 2009 the Government Office for the North West has confirmed that, with the exception of 4 polices that are not relevant to the ‘Redevelopment Proposals’, paragraph 1(2)(a) of Schedule 8 to the Planning & Compensation Act 2004 does not apply, and the UDP policies are saved until they are replaced by polices in the Local Development Framework (i.e. the Core Strategy and other Local Development Documents).
- 2.13 The UDP contains 3 polices that relate specifically to the HMRI area. Objections were received to these policies in the draft UDP, and these were heard by the Planning Inspector who conducted an inquiry into objections to the UDP during 2004. She concluded in paragraph 13 of her covering letter that “I have generally found the Sefton Unitary Development Plan Review to be comprehensive, well thought out and sensitive to the key issues relevant to the Borough, particularly that of urban renewal, especially within the Pathfinder Area”.
- 2.14 Although a number of minor changes were made to the policies and their supporting text as a result of her recommendations, the substance of the policies remains intact and is still valid and relevant today.
- 2.15 The substance of policies H7 & H8 was summarised in paragraphs 12.8 & 12.9 of the committee report considered in July / August (Minutes 83 & 84).

- 2.16 In addition to the UDP, Supplementary Planning Guidance notes (SPGs) were prepared for both the Bedford Road / Queens Road & Klondyke neighbourhoods. These were adopted in July 2004 following full public consultation. The SPGs identify where redevelopment will take place and where new housing will be built, as well as the framework for all the other supporting uses needed to rejuvenate the area.
- 2.17 Although the timescales envisaged for the implementation of the redevelopment has slipped for a variety of reasons, including the availability of funding, and a number of the detailed requirements have been superseded, the proposals to redevelop areas of obsolete housing and to create modern homes to meet local needs and diversify the housing offer in south Sefton are still valid, and the Council is still committed to completing these proposals in order to complete the regeneration of both areas.
- 2.18 The SPGs were supported by Development Briefs which provided greater detail about the proposals for each neighbourhood. Although design standards have changed (for example Eco Homes standards have been largely superseded by the Code for Sustainable Homes), the basic design principles contained in the Development Brief remain equally valid today.
- 2.19 A key area where policies have evolved since 2004 is in respect to the provision of affordable housing. The adopted UDP indicated that, as a result of the 2005 Housing Needs Survey, the demand for affordable housing in Sefton had doubled since the 2003 Study, and that the Council should seek 89% of the affordable housing provision to be in the social rented sector, with the remaining 11% intermediate housing as defined in Annex B of PPS3.
- 2.20 In November 2008, Cabinet reviewed the provision of affordable housing as part of a report reviewing the implications of relaxing the housing restraint policy (Policy H3 of the UDP) as a result of the adoption of the Regional Strategy in September 2008. The Annex to this report confirmed that the threshold for requiring affordable housing should apply to all sites creating a minimum of 15 additional dwellings (net) in accordance with PPS3, and that the split between social rented and intermediate housing should be amended to 80% social rented housing and 20% intermediate housing, subject to this being economically viable on any site. These requirements have superseded the requirements for affordable housing set out in the SPG and the Development Briefs.
- 2.21 The Council also produced as Interim Planning Guidance (IPG) for new housing in south Sefton in August 2007. Whilst its requirements for affordable housing provision were superseded by the November 2008 committee report referred to above, Section 3, 4 & 5 of the IPG relating to house type and size, design requirements and Section 106 and other planning requirements are still relevant and update the requirements of the SPG and Development Briefs relating to these matters.

(ii) The Core Strategy

- 2.22 Work commenced on preparing the Council's Core Strategy in January 2009 although a number of studies were commissioned before this date to provide the evidence base. The majority of these are now nearing completion. None has indicated that any fundamental change is needed to the current planning policy framework in the HMRI area.
- 2.23 Specifically, the Strategic Housing Market Assessment, which took account of the impact of the credit crunch on people's ability and aspirations to move home, recognised that the housing sub-market in Bootle and Netherton is different to that in the rest of Sefton, both in terms of its affordable housing need and the size and type of new homes that are required to meet locally generated needs.
- 2.24 Similarly, the early consultation carried out during the preparation of the Core Strategy (which was reported to Planning Committee and Cabinet in August / September 2009), has not suggested that any fundamental change is needed to the current planning policy framework in the HMRI area.
- 2.25 Although the levels of funding and the funding bodies that support intervention under the Housing Market Renewal Initiative may change, this does not affect the geography of the area or the need for intervention.

3. Human Rights Act 1998

- 3.1 The Human Rights Act 1998 places direct obligations on public bodies such as the Council to demonstrate that the use of its powers is in the public interest, and the use of such powers is proportionate to the ends being pursued.
- 3.2 The new planning system which was introduced as a result of the Planning & Compensation Act 2004, with PPS12 'Local Development Frameworks' produced by the Government (Department of Communities and Local Government) to set out what Development Plan Documents should be produced under this new system.
- 3.3 The original PPS12 was replaced by PPS12 'Local Spatial Planning' in June 2008. The Impact Assessment prepared in connection with this replacement PPS included a checklist of specific impact tests against which the PPS was assessed. This concluded, inter alia, that "these proposals will not have a negative impact on human rights. The proposals are in accordance with the Human Rights Legislation".

4. Conclusions

- 4.1 The planning framework remains fundamentally the same as when the Housing Market Renewal Initiative was launched in 2003. Whilst there have been changes, both to the planning system, and to social, economic and environmental conditions since the programme began, this has not materially affected either the need for and the priority for action in the two intervention

areas. Whilst the conditions of housing market failure may have changed, the need for renewal has not altered, as there still remain issues of housing market failure to address. The HMRI programme and the planning framework provide essential continuity to securing the regeneration of these parts of Bootle.

- 4.2 The planning framework has been proven and endorsed, both during the inquiry into objections into the UDP in 2004, and the two CPO inquiries held during 2006. The key planning policy documents produced in 2004 still constitute a robust framework which supports continued intervention in these two neighbourhoods.
- 4.3 Where required, the need for change has been approved by the Council. This has included the report to Cabinet on the need for affordable housing resulting from changes to the regional Strategy and updated evidence, as well as the Interim Planning Guidance for new housing in south Sefton which updates the design requirements that new housing should meet. But neither of these updates has amended the principles behind the need for intervention in the Klondyke and Bedford Road / Queens Road neighbourhoods, as set out in the UDP, and the SPGs and Development Briefs for each area.