

Report to:	Cabinet	Date of Meeting:	21 June 2018
Subject:	Adoption of 5 Supplementary Planning Documents		
Report of:	Chief Planning Officer	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 5 Supplementary Planning Documents (SPDs) relating to Affordable, special needs Housing and Housing Mix; House Extensions; Flats and Houses in Multiple Occupation (HMO's); New Housing.

Having considered the responses received, in conjunction with the Cabinet Member: Planning and Building Control, it is proposed that the SPDs, incorporating any changes recommended in the report, should be adopted as Council policy. This will enable them to be given 'full weight' as material considerations when planning applications are determined.

In addition to the SPDs being replaced, it is also proposed to revoke the Southport Seafront SPD. This was adopted in 2003 and has been largely superseded by policies in the Sefton Local Plan and the Southport Strategy and other guidance.

Work is likely to commence on the preparation of SPDs relating to Shop fronts, signage and security, and A Boards, Pavement Cafes and Outdoor trading in the near future.

Recommendation:

1. That the following SPDs be adopted:
 - Affordable, Special Needs Housing and Housing Mix;
 - House Extensions;
 - Flats and Houses in Multiple Occupation (HMO's);
 - New Housing;
 - Sustainable Travel; and
 - Southport Seafront SPDs.

2. That the existing SPDs that will be replaced by the above (listed in paragraph 7.1) be revoked.

Reasons for the Recommendation(s):

It is necessary for the Council to adopt the Supplementary Planning Documents (SPDs) 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.

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

The alternative would be not to adopt the SPDs. 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, 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.

What will it cost and how will it be financed?

(A) Revenue Costs

None

(B) Capital Costs

None

Implications of the Proposals:

<p>Resource Implications (Financial, IT, Staffing and Assets):</p> <p>None</p>
<p>Legal Implications:</p> <p>Cabinet has delegated authority to adopt Supplementary Planning Documents (SPD's) for Development Management Purposes</p>
<p>Equality Implications:</p> <p>There are no equality implications.</p>

Contribution to the Council's Core Purpose:

<p>Protect the most vulnerable:</p> <p>The Affordable, special needs Housing and Housing Mix and the Flats and Houses in Multiple Occupation (HMO's) SPDs will help provide and protect the residential amenity of vulnerable people. The Sustainable Travel SPD, amongst other materials encourages the provision of modes of transport other than the car.</p>
<p>Facilitate confident and resilient communities:</p> <p>As above.</p>
<p>Commission, broker and provide core services:</p> <p>Not applicable.</p>
<p>Place – leadership and influencer:</p> <p>Not applicable.</p>
<p>Drivers of change and reform:</p> <p>Not applicable.</p>

Facilitate sustainable economic prosperity: Not applicable.
Greater income for social investment: Not applicable.
Cleaner Greener: Not applicable

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD 5150/18) has been consulted and notes the recommendations of the report have no direct financial implications for the Council. The Head of Regulation and Compliance (LD 4374/18) has been consulted and any comments have been incorporated into the report.

(B) External Consultations

The consultation period seeking comments on the draft SPDs has been advertised in the local press and on the Council’s website. Emails have also been sent to statutory consultees and people and organisations on the Local Plans’ database who have asked to be informed of such consultations.

Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet meeting.

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Appendices:

The link to the following appendices is detailed below:

www.sefton.gov.uk/newspd

Summary of responses and our response to each plus the revised SPDs (Appendices 1-10). – Please follow link above

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 February and April 2018:

- Affordable, Special Needs Housing and Housing Mix SPD;
- House Extensions SPD;
- Flats and Houses in Multiple Occupation (HMO's) SPD;
- New Housing SPD; and
- Sustainable Travel SPD.

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 are adopted, they will be given significant weight when planning applications are determined.

1.4 Work is due to commence on the preparation of SPDs relating to Shop fronts, signage and security, and A boards, pavement cafes and outdoor trading in the near future.

2. Affordable, Special Needs Housing and Housing Mix SPD

2.1 The aim of this SPD is to provide clear guidance to applicants, developers and other stakeholders on how the Council will deal with planning applications for affordable or special needs housing or for market homes that trigger the need for affordable or special needs housing.

2.2 The Council's approach to delivering affordable and special needs housing and housing mix is set out in Policies HC1 and HC2 of Sefton Local Plan. This Supplementary Planning Document (SPD) expands upon these policies and provides detail on how specific policies are to be implemented. It explains what affordable housing is, how the affordable housing need is calculated (based on bedspaces), pepper-potting (to avoid all the affordable housing being located in the same part of a site), when special needs housing can be substituted for this, and the housing mix that private housing has to meet.

2.3 Comments were received, from Jigsaw Homes Group (a Registered Provider), Barratt Homes, Persimmon Homes, Taylor Wimpey and the CPRE. A summary of the comments and the Council's proposed responses and the revised SPD can be viewed at www.sefton.gov.uk/newspd .

2.4 Jigsaw Homes have raised a number of issues relating to affordable homes that are not covered by the SPD (such as minimum room sizes), but have also raised points that should be covered in the SPD, such as the management of parking areas and communal gardens for flatted development which comprise a mixture of

private and affordable units. They have also raised a number of points in relation to the provision of affordable special needs housing which will be addressed. As a Registered Provider, their comments are different to those of the 3 house-builders who have submitted comments.

- 2.5 Barratt Homes have queried why we have not referred to proposals in the consultation draft NPPF, or waited until this is published before the SPD is adopted as Council policy. However, we consider this would be premature until the new NPPF is published and we have commissioned an updated Strategic Housing Market Assessment (SHMA) to take account of any changes. It is possible that we will need to update the SPD and clarify the Local Plan policy position once this has been published and the SHMA prepared.
- 2.6 They also disagree with the Council's housing mix policy and feel that developers should be allowed to build more, larger homes. However, this was debated at length during the Local Plan examination, and there is no basis to change our requirements until a new SHMA is produced which identifies a need for fewer smaller dwellings.
- 2.7 Persimmon Homes also objects to how the housing mix requirements of Local Plan policy HC2 will be implemented. They also consider that if viability is an issue, a different affordable housing mix should be permitted where this would increase the number of affordable units provided. As this may not provide the type of affordable housing which best meets Sefton's residents' needs, we are not proposing any change.
- 2.8 Taylor Wimpey UK and Persimmon Homes both object to the proposal to restrict a planning permission for two years if the amount of affordable homes are reduced due to viability concerns. The Council considers this is a valid approach to protect itself from agreeing a reduced affordable housing obligation when the market is flat, whilst the developer solely benefits from a future uplift.

3. House Extensions SPD

- 3.1 The current House Extensions SPD was adopted in 2016. As it is one of the most-used SPDs, it addressed a number of issues that have arisen, such as the 45 degree rule, the length of extensions that will be allowed (to reflect permitted development limits), and residual garden size.
- 3.2 Only 3 organisations responded of which two, Historic England and Natural England, had no comments. The CPRE made a number of detailed comments, mainly of a typographical nature. However, the only change that we propose to make relates to paragraph 2.13, where it is proposed to amend the reference to wind turbines, to clarify that these should be small-scale. A summary of the comments and the Council's proposed responses and the revised SPD can be viewed at www.sefton.gov.uk/newspd .

4. Flats and Houses in Multiple Occupation (HMO's) SPD

- 4.1 The current Flats and Houses in Multiple Occupation (HMO's) SPD was adopted by the Council in 2013. The main changes from the existing SPD result from the adoption of the Sefton Local Plan and the drive to raise standards across Sefton

for new and converted flats and Houses in Multiple Occupation. It also sets out a new approach to try to prevent an over-concentration of HMOs in certain areas and links to the soon to be enacted Article 4 Direction and the licensing of HMOs.

- 4.2 A total of 3 organisations responded to the consultation; Natural England, the CPRE and Merseyside Police. A summary of the comments and the Council's proposed responses to them and the revised SPD can be viewed at www.sefton.gov.uk/newspd ..
- 4.3 Natural England would like the SPD to include requirements that are beneficial to wildlife in the SPD, and to promote opportunities to enhance the character and local distinctiveness of an area. However, these are considered to be beyond the remit of this SPD and are covered by other Local Plan policies, notably policy NH2 'Nature' which seeks to mitigate the impact of development on nature.
- 4.4 The CPRE has made a number of detailed response, some of which the Council are happy to accept. Others, such as which to relate to external lighting are outside the scope of this SPD. Similarly the Police Architectural Liaison Officer has requested certain standards in terms of lighting, mail box standards, door frames etc. However, it is considered these outside the scope of this SPD which is primarily concerned with whether the principle of the development is acceptable.

5. New Housing SPD

- 5.1 The existing SPD was most recently updated in 2016. The SPD needed to be revised to take account of the adoption of the Sefton Local Plan. Changes have also been made incorporate more appropriate standards, and to reflect current advice on electric charging points the provision of broadband in new developments, air quality and housing proposed near to an existing employment area.
- 5.2 A total of 11 responses were received, from 3 national housebuilders, a Registered Provider (housing association), Natural England, Historic England, Merseyside Police, Network Rail, United Utilities, the CPRE and the Canal and Rivers Trust. Historic England and United Utilities had no comments. A summary of the comments and the Council's proposed responses to them and the revised SPD can be viewed at www.sefton.gov.uk/newspd ..
- 5.3 Barratt Homes support the delivery of new high quality residential developments. However, both they and Persimmon would like more clarification and when lower density development is acceptable, and what constitutes a location that is close to a town, district or local centre, where higher density development is encouraged. Persimmon have suggested alternate wording, to reflect that on large sites, densities will vary across a site, and that the density should be measured across the whole site. Taylor Wimpey point out that this should not impact on other policy requirements such as parking standards and interface distances. Amendments will be made to reflect these points.
- 5.4 Barratt have also suggested that section 5 on development affecting heritage assets should refer to national policy. These changes will be made, and to section 12 of the House Extensions SPD. They also have concerns about the proposed changes to distances between dwellings and minimum garden sizes, which they

feel is not based on evidence. Jigsaw point out that this could prevent the development of backland commercial sites.

- 5.5 Barratt also asked for guidance on what is meant by 'thin strips of land'. Clarification will be provided in the SPD to confirm that narrow areas such as those between a dwelling and the boundary do not constitute 'useable' garden that is included in the space standards. The reference to cycle parking in paragraph 7.1 will be removed. Finally they object to the new section on Electric Vehicle Infrastructure. However, as national policy is to phase out petrol and diesel cars, this requirement will remain in both this SPD and the Sustainable Travel SPD.
- 5.6 Merseyside Police have requested that rear fences and those between plots should be 1.8m high in order to assist in preventing neighbour disputes, dangerous dog attacks and offenders moving easily between back gardens. Is this acceptable?
- 5.7 Natural England requires a cross reference to how recreational pressure issues associated with new housing will be addressed, as well as a link to the Open Space SPD.
- 5.8 Network Rail request that the SPD includes the need for a risk assessment where the use of footpaths and cycle ways near a railway are encouraged. The recommend early engagement with Network Rail, and that any risk reduction measures are funded by the developer. Extra wording will be added to paragraph 7.3 stating that "where development is close to a railway, an appropriate risk appraisal may be required, any more specific advice will be provided as part of any pre-application advice sought.
- 5.9 Finally, the Canal and Rivers Trust welcome the inclusion of paragraph 6.6, but suggest that the 3 criteria could be usefully expanded. Whilst some of the wording will be added, most goes beyond what is appropriate on such sties and will not be included.

6. Sustainable Travel SPD

- 6.1 The current 'Ensuring the Choice of Travel' SPD was adopted in 2009. The new SPD updates this SPD, to take account of the adoption of the Sefton Local Plan, the more recent Local Transport Plan and City Region work as well as issues such as the national move towards electric, and away from diesel and petrol vehicles.
- 6.2 Comments on the draft SPD were received from 8 organisations: the Canal and Rivers Trust, the Emerson Group, Highways England, Jigsaw Homes (a Registered Provider), Natural England, Network Rail, Councillor Roche and Taylor Wimpey UK. A summary of the comments and the Council's proposed responses to them and the revised SPD can be viewed at www.sefton.gov.uk/newspd ..
- 6.3 No changes are proposed in relation to the Canal and River Trust's request for additional references the role of the canal as a transport route and for Network Rail's requests for developer contributions for improvements (e.g. to enhance rail stations or their car parks or regarding level crossings). This is because where this is appropriate, all of these issues would be considered in accessibility

assessments (MASAs), and developer contributions will be sought if the measures required are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

- 6.4 Likewise, no changes are proposed in response to Natural England's requests for additional references to green infrastructure provision as part of transport infrastructure provision. The SPD already refers to other Local Plan policies, SPDs and other guidance such as the Highways Developer's Pack which refer to design and green infrastructure and its many benefits. It is not considered to be the role of the Sustainable Travel SPD to duplicate this and other policy guidance and promotional material.
- 6.5 Councillor Roche requested that paragraph 2.1.3 be amended to prioritise those with limited mobility, in line with an earlier vote that "the Council should do everything possible" to protect those with limited mobility. It is proposed to strengthen the wording of the first bullet point.
- 6.6 Both the Emerson Group and Taylor Wimpey UK commented that the SPD should not depart from existing policies but should provide only guidance on the need for Transport Assessments and Transport Statements, and these should take into account the circumstances of a particular development. While it is considered that the SPD does this, new wording is proposed to clarify that Transport Assessments and Transport Statements should be proportionate.
- 6.7 The Emerson Group and Taylor Wimpey UK also expressed concerns about the lack of precision in the circumstances where an air quality assessment is required. New wording has been added to clarify that for all developments, developers should engage in pre-application discussions with the Council to determine the need for an air quality assessment and the information they should contain. Paragraph 7.1.2 of the SPD indicates that the Council also may provide further guidance in a future air quality SPD or Information Note, which would define 'areas of poor air quality'. In addition, a new paragraph is proposed to clarify the need for air quality assessment as part of any site-specific Habitats Regulations Assessment, for development that is likely to result in an increase of more than 1% in nitrogen inputs into the Sefton Coast Special Area of Conservation (SAC). This relates to Local Plan policy NH2 'Nature'.
- 6.8 Highways England requested that text should be added requiring developers to consult with them about the content of Transport Assessments for development proposals that affect the trunk road and motorway network. It is proposed to make this change, and to add a similar reference to the need to consult the Combined Authority regarding the Key Route Network.
- 6.9 No changes are proposed in relation to Jigsaw Homes' and Taylor Wimpey UK Limited's comments that financial contributions towards transport infrastructure which may affect the viability and deliverability of schemes. Developer contributions are regulated, and can only be sought if they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably related in scale and kind to the development. If this means the development is not viable, then the development should not proceed.

- 6.10 Jigsaw Homes and Taylor Wimpey UK Limited also raise concerns in relation to electric vehicles charging points, our requirements and our justification for requiring them and their on-going maintenance costs. The Government has announced its intention that sales of new diesel cars and petrol cars will both cease by 2040. It is anticipated that the sale of electric vehicles will rise significantly as a result. Hence it is considered essential that provision for the consequent rise in electric vehicle use is made in current developments. In relation to Jigsaw Homes' concerns, it is proposed to amend relevant parts of the SPD to state that developments with 1-9 communal parking spaces will normally require 1 electric vehicle charging point.
- 6.11 Taylor Wimpey UK also requested changes to parking standards for new houses and flats, including visitor parking. The SPD proposes to revise the parking standards for houses and flats, including visitor parking, so that the requirements are consistent for the same size of home, e.g. 1 bedroom houses and 1 bedroom flats will have the same parking and visitor parking requirements. Revisions are also proposed to make clear that where requirements for unallocated (visitor) spaces are set out as fractions, these should be rounded up. However, if a developer feels that such provision is inappropriate for site-specific reasons, they should demonstrate this to the Council as part of any planning application.

7. Revocation of existing SPDs

7.1 As a result of the above SPDs being adopted, the following SPDs should be revoked:

- House Extensions SPD (2016);
- Flats and Houses in Multiple Occupation (HMO's) SPD (2013);
- New Housing SPD (2016);
- Ensuring Choice of Travel SPD (2009); and

7.2 In addition to the above SPDs, it is also proposed to revoke the Southport Seafront SPD. This was adopted in 2003 and has been largely superseded by policies in the Sefton Local Plan and the Southport Strategy and other guidance.