

Supplementary Planning Documents – 2022/3

Consultation Responses

New Homes SPD

Comments from: Green Pastures, Redrow Homes Lancashire, Barratt & David Wilson Homes North West, Sport England, Torus Developments, United Utilities

New Homes SPD - Comment made by: Green Pastures
Summary of Comment: Paragraph 5.2: No benefit or logical rationale to not allow massing of a dwelling PLUS non built Permitted Development (PD) in principle. If it could be built, then it's acceptable in the Green Belt so why not allow this massing into the new build rather than force the owner to physically build the extensions so the massing can be used in the new build? Who genuinely benefits from this clause?
Response: The limits to the size of extensions or replacement buildings in the Green Belt are set out in part 3 of Local Plan policy MN7 'Green Belt'. If the applicant takes a different view it is considered that 'very special circumstances' route would be appropriate to pursue this.
Suggested Change to SPD: None

New Homes SPD - Comment made by: Redrow Homes Lancashire and Barratt & David Wilson Homes North West
Summary of Comment: Paras. 3.14 to 3.17 and their associated tables seek to impose minimum standards for gross internal floor areas of new build flats and houses based on the 'Technical housing standards – nationally described space standards' (NDSS) (DCLG, March 2015). These standards are also set out in PPG. Para. 56-018-20150327 of PPG states: 'Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do by reference in the Local Plans to the nationally described space standards'. Para. 56-020-20150327 then states: 'Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies' and 'Local planning authorities should take account of the following areas', which comprise need, viability and timing. Each of these must be informed by appropriate evidence.

The PPG clearly states that if an LPA wishes to require internal space standards, then this should only be done through a reference in a Local Plan to NDSS. There is no reference in the Sefton Local Plan to the need for internal space standards or the Technical Housing Standards, despite them being adopted in advance of the Local Plan.

As previously stated, the purpose of an SPD is to provide additional advice or guidance on adopted planning policies, it is not a mechanism to introduce new policy requirements that should be dealt with through the preparation or review of a Development Plan Document (DPD) such as the Sefton Local Plan.

We therefore recommend that the sections on internal space standards are removed from the draft SPD and if Sefton Council wishes to implement space standards in the future, then this is done through a review of the Sefton Local Plan and subject to independent examination.

Response: Agree in part. Whilst we would encourage new homes to be a reasonable size, we will make it clear that the standards are not mandatory. However, when considering planning proposals for new homes, the Council will take into account the quality of the accommodation in the wider consideration of the planning application. If the decision maker considers the accommodation being provided would have a detrimental impact on the living conditions of future residents, in respect of the size of the property, they will likely have regard to the minimum national space standards.

Suggested Change to SPD:

Paragraph 3.17

Change paragraph to read:

We recommend that new homes are built to a good size so that they are adaptable and should be large enough for modern needs including storage. The standards below are minimum internal standards set out in the nationally described space standards (DCLG, March 2015). Note that the floor space does not include attached or integrated garages. Whilst these standards are not mandatory and can only be made so through a justified Local Plan policy, they nevertheless provide a baseline against which a scheme can be compared to if the decision maker considers that the new homes are too small. In this respect the specific sizes in the table below won't be strictly enforced but may be used as part of an overall assessment of residential amenity.

New Homes SPD - Comment made by: Redrow Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: Section 6 of the draft SPD refers to the requirements of Local Plan Policy HC2 – Housing Type, Mix and Choice and states that further details of how this policy is applied is contained in the Affordable and Special Needs Housing and Housing Mix SPD (June

2018). This SPD will be superseded by the Affordable and Supported Homes SPD which is currently in draft. It is understood that guidance on housing mix will therefore need to be included in the New Build Homes SPD.

Policy HC2 requires at least 25% of the proposed market dwellings to be 1 or 2-bedroom properties and at least 40% to be 3-bedroom properties. Details of what the Council considers to be a bedroom is set out in para. 7.3 of the Affordable and Special Needs Housing and Housing Mix SPD:

‘7.3 Furthermore the Council will count all rooms in a home as a bedroom if it is:

- Upstairs (in the case of homes of more than one storey), and
- can be accessed from a communal landing (i.e. is not accessed solely through another bedroom), and
- has an external window, and
- is large enough to accommodate a single bed (i.e. it is at least 2.15m wide) and other basic bedroom furniture’

It is important that the SPD provides clear advice to developers so that they are aware of the Council’s requirements in order to demonstrate accordance with Local Plan Policy HC2.

People’s living and working habits have changed significantly since the adoption of the 2018 SPD, with more people spending at least part of their week working from home. Our clients are keen to provide dedicated space such as an upstairs study to allow people to work from home, but there is the potential for the Council to consider this as a bedroom, which would result in conflict with Policy HC2.

If the Council is minded to retain the criteria currently set out in para. 7.3 of the adopted SPD, then, we are of the view that the current wording of the fourth bullet, or an alternative version with the 2.15m dimension removed, is subjective, ambiguous and unjustified. To aid clarity and ensure that the criteria is appropriately evidence-based, we recommend that the fourth bullet is replaced by reference to Technical Requirement 10(c) of the NDSS, which states:

‘in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide’.

If developers then wish to provide a study to enable home working, they would have clear criteria that can be used to inform the design process, i.e. it would need to be less than 7.5m² and less than 2.15m in width.

Response: Agree in part. As the reference to the size of the bed (which was to provide some guidance) has been misunderstood we will clarify this. The section from the existing Affordable Housing SPD will be moved to the New Homes SPD (it is more relevant in this SPD). Reference to the size of the bed will be amended to a ‘standard size’ single bed.

Suggested Change to SPD:

The section from the current affordable housing SPD on bedrooms (paras 7.2-7.4) will be moved to the New Homes SPD, section 6, (paras 6.3-6.9) as follows:

The Housing Mix policy (Policy HC2) requires a mix of different size homes, by the number of bedrooms, for schemes of 25 homes or more. It is important therefore for applicants to provide sufficient information with applications to enable the Council to determine if the housing mix policy is being met.

Bedrooms

The applicant should provide a schedule and/or plans that clearly show the number of bedrooms that each house type within a scheme has. The Council will verify this information (if possible) by looking at the same house type on other schemes the house builder has built utilising the same house types.

Furthermore, the Council will count all rooms in a home as a bedroom if it is:

- Upstairs (in the case of homes of more than one storey), and
- can be accessed from a communal landing (i.e. is not accessed solely through another bedroom), and
- has an external window, and
- is large enough to accommodate a standard size single bed and other basic bedroom furniture

Whilst the Council accept such rooms may be used for other purposes, such as a study, for the purposes of calculating number of bedrooms it will count such rooms as bedrooms.

New Homes SPD - Comment made by: Redrow Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: Para. 7.16 of the draft SPD states that the Council will now impose the optional technical water efficiency standard of 110 litres/person/day (l/p/d), rather than the mandatory requirement of 125 l/p/d.

However, Para. 56-002-20160519 of the [PPG](#) states:

'Local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. Local planning authorities will need to

gather evidence to determine whether there is a need for additional standards in their area, and justifying setting appropriate policies in their Local Plans.’ [emphasis added]

Para. 56-014-20150327 of the PPG then states:

‘All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optimum requirement of 110 litres/person/day.’ [emphasis added]

As previously stated, the purpose of an SPD is to provide additional advice or guidance on adopted planning policies, it is not a mechanism to introduce new policy requirements that should be dealt with through the preparation or review of a Development Plan Document (DPD) such as the Sefton Local Plan. We therefore recommend that para. 7.16 is removed from the draft SPD and if Sefton Council wishes to implement the optional technical standard in the future, then this is done through a review of the Sefton Local Plan and subject to independent examination.

Response: (See also response to United Utilities comment below) Agree. It is accepted that this should not be introduced through an SPD. Instead, we will make reference to this being something that we would encourage.

Suggested Change to SPD: (See also response to United Utilities comment below)

New paragraph in section 7

7.12 Under the Building Regulations, the maximum water consumption rate is 125 litres per person per day. However, under Building Regulation 36 (2) & (3) there is a provision to introduce the higher requirement providing the Planning Authority adopts such a policy. However, this should only be done through a review of a Local Plan. In advance of this the Council will encourage that all new homes in Sefton have a maximum ‘consumption of wholesome water rate’ of 110 litres per person per day. If this is to be achieved, developers should set this out as a ‘wider community benefit’ of their proposal.

New Homes SPD - Comment made by: Sport England

Summary of Comment: Sport England would wish to see the principles contained within the document ‘Active Design’ incorporated into this SPD.

We believe that being active should be an intrinsic part of everyone’s daily life – and the design of where we live and work plays a vital role in keeping us active. Good design should contribute positively to making places better for people and create environments that make the active choice the easy choice for people and communities.

That's why Sport England, in partnership with Office for Health Improvement and Disparities, has produced the Active Design Guidance. This guidance builds on the original Active Design (2007) objectives of improving accessibility, enhancing amenity and increasing awareness, and sets out the Ten Principles of Active Design.

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/>

The ten principles included in the guide have been developed to inspire and inform the layout of cities, towns, villages, neighbourhoods, buildings, streets and open spaces, to promote sport and active lifestyles. The guide features an innovative set of guidelines to get more people moving through suitable design and layout. It includes a series of case studies setting out practical real-life examples of the principles in action to encourage planners, urban designers, developers and health professionals to create the right environment to help people get more active, more often. The Active Design Principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design.

Active Design has been produced in partnership with David Lock Associates, specialists in town planning and urban design.

Response: Noted

Suggested Change to SPD: None. The 10 Active Design Principles relate to supporting active travel, high-quality active places and spaces and delivery and activation. It is considered that most of these principles relate to the requirements of Local Plan policies such as EQ1 'Healthy Sefton', EQ2 'Design', EQ3 'Accessibility' and EQ9 'Provision of public open space, strategic paths and trees'; and the Design Supplementary Planning Guidance and Travel and Open Spaces SPDs.

New Homes SPD - Comment made by: Sport England

Summary of Comment: With regards to the section on 'Public Open Space' it is noted and welcomed that sport is included.

However, if the SPD intends to use local standards to obtain contributions it should be noted that local standards are not appropriate for outdoor sports because they do not and cannot take into account sports catchment areas or the variable units of demand for individual pitch/court types. For example, the unit of demand for a court/pitch ranges from two people if a tennis court to 30 people if a full sized adult rugby pitch. In addition the catchment area for sports range from Ward level if a junior football pitch to Borough wide if rugby or hockey. This means the accessibility standards cannot accurately reflect where the demand for outdoor sport is derived from. Quantitative standards are not appropriate because although it is widely acknowledged housing growth generates additional demand for sport not everyone from that housing site will want to participate in sport. In reality the application of standards has led to single pitch sites being

constructed within housing developments that are unsupported by ancillary facilities and are not located in areas of demand. These pitches do not contribute to the supply of pitches and all too often become informal kick about areas or semi natural open space. A guidance note on the inappropriate use of standards for outdoor sport has been attached for your information. Sport England does not object to the use of standards for other open space typologies, only outdoor sport.

An up to date Playing Pitch Strategy should be used to determine the level of pitch provision required to meet the additional demand from the proposed housing. Sport England has developed a strategic planning tool call the Playing Pitch Calculator which quantifies the demand from the new development and converts that into a pitch requirement and indicative cost.

Please contact the undersigned to discuss the access to and use of the Calculator and to discuss how best to develop a procedure that can be incorporated into the SPD to obtain appropriate contributions for outdoor sport.

Response: The section on public open space in this SPD reiterates the Local Plan policy and links to the existing Open Space SPD (which is not being updated). The Open Space SPD will only secure monies towards general open space, rather formal sports playing pitches. If the updated Playing Pitch & Outdoor Strategy justifies the introduction of an additional contribution towards sports contributions, it is intended that this would be set out in a separate document. For example, the Council secures contributions towards education provision in a separate document.

Suggested Change to SPD: None

New Homes SPD - Comment made by: Torus Developments

Summary of Comment: Internal space standards. Torus endeavours to achieve NDSS, however Homes England does permit 85% of NDSS. Some minor flexibility would ensure that schemes remain viable and achievable.

Response: Agree in part. Whilst we would encourage new homes to be a reasonable size, we will make it clear that the standards are not mandatory. However, when considering planning proposals for new homes, the Council will take into account the quality of the accommodation in the wider consideration of the planning application. If the decision maker considers the accommodation being provided would have a detrimental impact on the living conditions of future residents, in respect of the size of the property, they will likely have regard to the minimum national space standards..

Suggested Change to SPD:

Paragraph 3.17

We recommend that new homes are built to a good size so that they are adaptable and should be large enough for modern needs including storage. The standards below are minimum internal standards set out in the nationally described space standards (DCLG, March 2015). Note that the floor space does not include attached or integrated garages. Whilst these standards are not mandatory and can only be made so through a justified Local Plan policy, they nevertheless provide a baseline against which a scheme can be compared to if the decision maker considers that the new homes are too small. In this respect the specific sizes in the table below won't be strictly enforced but may be used as part of an overall assessment of residential amenity.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: United Utilities wishes to highlight its support for paragraph 4.12 which seeks to restrict hardstanding in areas prone to surface water flooding. Surface water should be managed as close to its source as possible. There are opportunities such as rainwater recycling, green roofs and water butts and we would encourage the LPA to embrace all such water management measures. Modern design techniques can promote measures for water recycling to reduce the impact on infrastructure requirements and customer bills. When thinking about the rain that falls on any hardstanding we request that applicants are asked to consider:

- Re-using the water through grey water recycling and / or water butts;
- Whether any building could include a green roof;
- Directing the rainfall to a soakaway;
- Using permeable surfaces for hardstanding; and
- Directing the rainfall to garden areas which could include the creation of a rain gardens.

Thereafter the hierarchy for managing surface water in the National Planning Practice Guidance should be applied.

Response: Comment noted. Through Local Plan policy EQ8 'Flood risk and surface water', the 'Sustainable drainage systems and Flood Risk' Information Note and the 'SuDS Pro Formas' it is considered that the Council already takes a robust approach to sustainable management of surface water. Appendix 3 of the Information Note specifically encourages residents and small businesses to carry out most of the measures referred to above. However, it should be also noted that the Building Regulations restrict the use of soakaways in certain situations (notably, close to other properties); hence the drainage hierarchy set out in national and these Council policy documents reflect this.

Suggested Change to SPD:

Add new paragraph 7.10:

However, developers and occupiers are encouraged to take measures to manage and reduce surface water flood risk (including during construction) and water use, such as:

- Design, slope and angle surfaces to direct rainwater away from the property to particular areas of the garden where flooding will not cause a problem to occupier, neighbours or the public highway or pavement (e.g. vegetated areas, rain gardens)
- Vegetated garden areas (e.g. grass or lawns, flower or shrub beds or vegetable plots) rather than large areas of hard, impermeable surfacing
- 'Rain gardens' – vegetated areas within larger hardsurface areas designed and sloped so that surface water flows into them
- Appropriate tree planting, which can slow the rate at which rainwater reaches the ground
- Use of permeable (including porous) paving or surfacing and driveways (rather than impermeable surfacing).
- Water butts used to collect rainwater from as long as the outlet (discharge point) conforms to the Building Regulations standards.
- Green roofs – planted soil layer constructed on the roof of a building to create a living surface. Water is stored in the soil layer and absorbed by vegetation.
- On-site water recycling, e.g. recycling of surface water run-off or 'greywater' recycling from baths or sinks.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: United Utilities supports paragraphs 7.3 and 7.4 which seek to protect existing trees and references the importance of trees in new build development. However, we wish to note the importance of any approach to planting new trees giving due consideration to the impact on utility services noting the implications that can arise as a result of planting too close to utility services. This can result in root ingress,

which in turn increases the risk of drainage system failure and increases flood risk. We would be happy to provide further guidance on planting trees and the impact on our infrastructure.

United Utilities is supportive of any approach to the planting of new trees and would encourage the council to consider this in the context of flood risk management and opportunities to 'slow the flow' reflecting our wider comments relating to flood and surface water management. United Utilities requests that the SPD recognises the importance of residential gardens contributing to the network of green infrastructure across the borough. We specifically request that opportunities for source control, slowing the flow and filtration of surface water are considered, through the delivery of multi-functional sustainable drainage.

Response: Comments noted and agreed

Suggested Change to SPD:

Paragraph 3.18

Having usable private outdoor amenity space is important for all residents for physical and mental health. Green areas (grass, trees, plants) also have a role to play in making space for nature and reducing surface water flood risk as well as these health benefits.

Paragraph 7.4

Existing trees should be retained where possible. You will need to take great care in planning any development close to trees as they can reduce natural light to dwellings whilst new development may block light to the tree(s). You should also give due consideration to the location of new/replacement trees and the proximity of utility services, such as drains. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: United Utilities supports the intrinsic links in the guidance to flood risk policies, such as Sefton Local Plan Policy EQ8 'Flood Risk and Surface Water' and policies within relevant neighbourhood plans. We also welcome the guidance encouraging pre-application discussions with the Council when considering drainage on a development. We request however, that for consistency with national planning policy and the national planning practice guidance, that the SPD should make reference to all forms of flood risk at paragraph 7.7. At the current time there is no reference to flood risk from the public sewer or from reservoirs. It is important to note that such flood risk, especially sewer flood risk, can be material to the development of a site. It is critical that any on-site risk of flooding from the public sewer is avoided in the site selection process and thereafter the design and layout of any development proposal. Applicants should not assume that sewers can be diverted as a diversion can affect the hydraulic performance of an asset resulting in the increase or displacement of flood risk which would not be acceptable.

With respect to the risk of flooding from sewers, we recommend that you include the following wording.

The risk of flooding from any source must be considered.

Applicants will be required to consult with the water and sewerage undertaker to confirm the nature and extent of any flood risk from sewers and reservoirs.

For sewers, the consultation should confirm:

- a) if there are any sewer surcharge levels at the point of connection that could influence site design;
- b) whether there is an incident of sewer flooding at, or in the vicinity of, the proposed development site; and
- c) if sewer modelling data indicates that existing sewers that pass through or near to the site present a modelled risk of sewer flooding.

This will determine whether to apply the sequential approach. Development should not be located in an area at risk of flooding. Applicants must demonstrate that proposals do not increase flood risk and are safe. Applicants should not assume that changes in levels or that changes to the public sewer (including diversion), will be acceptable as such proposals could increase / displace flood risk.

New development should manage foul and surface water in a sustainable way in accordance with national planning policy. The hierarchy of drainage options for surface water in national planning practice guidance clearly identifies the public combined sewer as the least preferable option for the discharge of surface water.

We welcome the reference to the challenges associated with the low-lying nature of the borough. Reflecting this, Sefton has experienced significant flood events from surface water and it is critical that careful consideration is given to low spots where water naturally accumulates in the site selection process and the delivery of new development. Surface water should not be displaced as a result of development occurring.

Sustainable surface water management and the efficient use of water should be critical elements of the design and development process. As the Council will be aware, green infrastructure can help to mitigate the impacts of high temperatures, combat emissions, maintain or enhance biodiversity and reduce flood risk. Green / blue infrastructure and landscape provision play an important role in managing water close to its source. If the necessary link between green/blue infrastructure, surface water management, landscape design and biodiversity is outlined as part of the strategic objectives for the plan, it will help ensure that sustainable surface water management is at the forefront of the design process. We therefore request that your SPD clearly identifies the need for sustainable drainage to be multi-functional in preference to complete reliance on underground piped and tanked storage systems. An example surface water policy and associated explanatory text is set out below for your reference.

All applications must be supported by a strategy for foul and surface water management. Surface water should be discharged in the following order of priority:

- i. Re-use on site.***

ii. An adequate soakaway or some other form of infiltration system.

iii. An attenuated discharge to a surface water body.

iv. An attenuated discharge to public surface water sewer, highway drain or another drainage system.

v. An attenuated discharge to public combined sewer.

Proposals should be designed to maximise the retention of surface water on-site and minimise the volume, and rate of, surface water discharge off-site. On greenfield sites, any rate of discharge shall be restricted to a greenfield run-off rate. On previously-developed land, applicants must also follow the hierarchy for surface water management. A previously-developed site should target a reduction to a greenfield run-off rate and at least achieve a minimum reduction of 30% rising to a minimum of 50% in any critical drainage area identified in the SFRA. Applicants must submit clear evidence of existing operational connections from the site with associated calculations on rates of discharge to demonstrate any reduction.

Applicants must consider site topography, naturally occurring flow paths, ephemeral watercourses and any low lying areas where water naturally accumulates. Applications will be required to consider exceedance / overland flow paths from existing and proposed drainage features and confirm ground levels, finished floor levels and drainage details. Resultant layouts must take account of such circumstances to ensure a flood resilient design is achieved and water / flooding is not deflected or constricted.

Applications for major development must be supported by a sustainable drainage strategy and will be required to incorporate sustainable drainage which is multi-functional and designed in accordance with the four pillars of sustainable drainage, in preference to underground piped and tanked storage systems, unless, there is clear evidence why such techniques are not possible. It should be integrated with the landscaped environment and the strategy for biodiversity net gain.

For any development proposal which is part of a wider development / allocation, foul and surface water strategies must be part of a holistic site-wide strategy. Pumped drainage systems should be minimised and a proliferation of pumping stations on a phased development will not be acceptable.

Applications must be accompanied by drainage management and maintenance plans including a plan for any watercourse within the application site or an adjacent watercourse where the application site is afforded riparian rights.

Explanatory Text

Application of the hierarchy for managing surface water will be a key requirement for all development sites to reduce flood risk and the impact on the environment. Clear evidence must be submitted to demonstrate why alternative preferable options in the surface water hierarchy are not available.

Foul and surface water drainage must be considered early in the design process. Sustainable drainage should be integrated with the landscaped environment and designed in accordance with the four pillars of sustainable drainage (water quantity, water quality, amenity and biodiversity). It should identify SuDS opportunities, including retrofit SuDS opportunities, such as green roofs; permeable surfacing; soakways; filter drainage; swales; bioretention tree pits; rain gardens; basins; ponds; reedbeds and wetlands. Any drainage should be designed in accordance with 'Ciria C753 The SuDS Manual', sewerage sector guidance, or any subsequent replacement guidance.

Drainage details, ground levels and finished floor levels are critical to ensure the proposal is resilient to flood risk and climate change. It is good practice to ensure the external levels fall away from the ground floor level of the proposed buildings (following any regrade), to allow for safe overland flow routes within the development and minimise any associated flood risk from overland flows. In addition, where the ground level of the site is below the ground level at the point where the drainage connects to the public sewer, care must be taken to ensure that the proposed development is not at an increased risk of sewer surcharge. It is good practice for the finished floor levels and manhole cover levels (including those that serve private drainage runs) to be higher than the manhole cover level at the point of connection to the receiving sewer. Holistic site-wide drainage strategies will be required to ensure a coordinated approach to drainage between phases, between developers, and over a number of years of construction. Applicants must demonstrate how the approach to drainage on any phase of development has regard to interconnecting phases within a larger site with infrastructure sized to accommodate interconnecting phases. When necessary, the holistic drainage strategy must be updated to reflect any changing circumstances between each phase(s). The strategy shall demonstrate communication with infrastructure providers and outline how each phase interacts with other phases.

Response: It is considered that most of these issues are already addressed sufficiently through Local Plan policy EQ8 'Flood risk and surface water', the 'Sustainable drainage systems and Flood Risk' Information Note and the 'SuDS Pro Formas', and that this detailed information is not appropriate in this SPD. If the current Local Plan policies on flood risk are considered out-of-date, these will have to be updated through a Local Plan review. It is not for the New Housing SPD to set out additional policy to the Local Plan, the 'Sustainable drainage systems and Flood Risk' Information Note and the 'SuDS Pro Formas' or to reproduce the policy approach set out in these documents. However, it is considered appropriate to refer to issues relating to sewers already present on sites, and to retitle this sub-section of the SPD to make it refer more closely to its content

Suggested Change to SPD: Change the heading 'Drainage' to 'Flood risk, surface water and drainage'.

Amend paragraph 7.7 to say:

7.7 Sefton is a low-lying, coastal borough with a number of water courses running through it. Many sites will be at higher risk of flooding from a variety of sources. Some areas are classed by the Environment Agency as being in flood zone 2 or 3 for river or tidal flooding. Some sites or areas are at higher risk of flooding from groundwater, the canal, reservoirs, sewers or surface water. It is important that any

development does not leave either homes on the application site or homes or other properties elsewhere at increased risk of flooding from all sources, and where possible should reduce the risk of flooding.

Amend paragraph 7.8 to say:

7.8 It is not the intention here to go into detail as the approach to these matters is set out elsewhere. Surface water should be managed sustainably in line with Local Plan policy EQ8 'Flood risk and surface water', the Sustainable drainage systems and Flood Risk Information Note and the surface water Drainage Pro Formas (see <https://www.sefton.gov.uk/spd>) or more recent Sefton guidance. For developments in the Formby and Little Altcar area, there are a series of specific flood risk policies in the Neighbourhood Plan.

Add a new paragraph at the end of this section to say:

7.11 United Utilities are the statutory undertaker for water and wastewater (drinking water and foul sewerage) for Sefton, including the many sewers in Sefton which are combined sewers (both foul and surface water drainage). As set out in the Sustainable Drainage Systems and Flood Risk Information Note, developers are encouraged to contact United Utilities as early as possible in the development process for advice and so that United Utilities can better understand the impact of development proposals on their networks.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: United Utilities would wish to highlight its support for reference to water consumption within the guidance and the requirement for a maximum consumption of water of 110 litres per person per day. We wish to highlight that improving water efficiency makes a valuable contribution to water reduction as well as carbon reductions noting that water and energy efficiency are linked. We also wish to note the associated societal benefits by helping to reduce customer bills. We have enclosed evidence to support this position. An example, water efficiency policy is set out below.

All new residential developments must achieve, as a minimum, the optional requirement set through Building Regulations Requirement G2: Water Efficiency or any future updates. All major non-residential development shall incorporate water efficiency measures so that predicted per capita consumption does not exceed the levels set out in the applicable BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the local planning authority. The BREEAM 'Very Good' standard must be met as a minimum.

Response: Unfortunately, an SPD cannot introduce new policy, such as is proposed above. Furthermore, as set out in the response to the comment of Redrow Homes Lancashire and Barratt & David Wilson Homes North West, the Council is unable to require higher standards for water consumption in new homes outside a Local Plan review. However, we will make changes so that this is encouraged.

Suggested Change to SPD (as set out in the response to the comment of Redrow Homes Lancashire and Barratt & David Wilson Homes North West above) new para:

Water Consumption

7.12 Under the Building Regulations, the maximum water consumption rate is 125 litres per person per day. However, under Building Regulation 36 (2) & (3) there is a provision to introduce the higher requirement providing the Planning Authority adopts such a policy. However, this should only be done through a review of a Local Plan. In advance of this the Council will encourage that all new homes in Sefton have a maximum 'consumption of wholesome water rate' of 110 litres per person per day. If this is to be achieved, developers should set this out as a wider community benefit of their proposal.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: United Utilities requests that reference to climate change is included within the guidance. The SPD could reference sustainable surface water management, with the efficient use of water being a critical element of the guidance. We also encourage a policy on climate change to be intrinsically linked to wider policies in the guidance including those relating to the design of development and the provision of green and blue infrastructure.

We would also be keen to ensure any climate change policy / guidance gives appropriate emphasis to natural flood management techniques, multi-functional sustainable drainage and designing new development so that it is resilient to the challenges of future climate change and the incorporation of water supply efficiency measures. This reflects our above comments.

Response: Unfortunately, an SPD cannot introduce new policy, such as is suggested above for water efficiency. However, this can only be addressed in a Local Plan review and not introduced within a SPD. It is considered that the approach set out in Local Plan policy EQ8 'Flood risk and surface water', the Sustainable drainage systems and Flood Risk Information Note and the surface water Drainage Pro Formas deals adequately with the climate change implications of flood risk and natural flood management.

Suggested Change to SPD: None.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: Within the SPD we note the reference to the ‘Agent of Change’ principle. We wish to highlight that this is applicable to water and wastewater assets including wastewater treatment works, pumping stations and reservoirs. It is critical that the location of this key infrastructure is carefully considered in new development proposals. It is important to explain that:

1. Water and wastewater assets are key infrastructure for the borough which may need to expand in the future to meet growth needs or respond to new environmental drivers. Maintaining a space around a treatment works is therefore desirable to respond to any future investment requirements.

2. As a waste management facility, a wastewater treatment works / pumping station is an industrial operation which can result in emissions. These emissions include odour, noise and vibration. A wastewater treatment works can also attract flies. Our works / reservoirs / pumping stations can also be subject to vehicle movements from large tankers which need to access the site.

The position of UU is that when considering a range of sites to meet development needs, it would be more appropriate to identify new development sites, especially sensitive uses, such as housing, which are not close to a wastewater treatment works. This position is in line with the ‘agent of change’ principle set out at paragraph 187 of the NPPF. Paragraph 187 states:

‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.’

Paragraph: 009 Reference ID: 30-009-20190722 of the National Planning Practice Guidance expands on this by stating:

‘Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.

In these circumstances the applicant (or ‘agent of change’) will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.

The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).

It can be helpful for developers to provide information to prospective purchasers or occupants about mitigation measures that have been put in place, to raise awareness and reduce the risk of post-purchase/occupancy complaints.'

Similarly Paragraph: 005 Reference ID: 34-005-20140306 of the NPPG states:

'Plan-making may need to consider:

- *whether new development is appropriate near to sites used (or proposed) for water and wastewater infrastructure (for example, odour may be a concern).'*

Response: Comment noted and some changes suggested.

Suggested Change to SPD:

Paragraph 8.2

If new housing or residential development is proposed next to an existing use, including a business, supermarket, utilities infrastructure (such as a wastewater treatment works or electricity station), sports and recreation facility, restaurant, public house or community facility, it may raise the issues described above. In terms of existing utilities infrastructure, consideration should be given to the potential need of that asset to expand to support future growth. Applications may wish to contact the relevant utilities provider to confirm if they have plans to expand an asset close to their proposal. When considering if an existing use may cause an issue to new homes, the vehicle movements to that existing use should also be considered.

New Homes SPD - Comment made by: United Utilities

Summary of Comment: *The failure of a reservoir has the potential to cause catastrophic damage due to the sudden release of large volumes of water. The local planning authority will need to evaluate the potential damage to buildings or loss of life in the event of dam failure, compared to other risks, when considering development downstream of a reservoir. Local planning authorities are also advised to consult with the owners/operators of raised reservoirs, to establish constraints upon safe development.*

Local planning authorities should also consider any implications for reservoir safety and reservoir owners and operators caused by new development located downstream of a reservoir, such as the cost of measures to improve the design of the dam to reduce flood risk, the operation of the reservoir, and general maintenance costs, by consulting with reservoir owners and operators on plan and development proposals. Local authorities, as category 1 responders, can access more information about reservoir risk and reservoir owners using the Resilience Direct system.

Developers should be expected to cover any additional costs incurred, as required by the National Planning Policy Framework's 'agent of change' policy (paragraph 187). This could be through Community Infrastructure Levy or section 106 obligations for example.

Applications will need to include any evidence Local Planning Authorities need to understand the impact of individual developments on reservoirs. In doing so, they need to refer to relevant guidance in the Institution of Civil Engineers publication 'Floods and Reservoir Safety' (4th

edition) and the Environment Agency's 'Guide to risk assessment for reservoir safety management'. It may be necessary to seek expert advice such as from an All Reservoirs Panel Engineer from the government accredited list under 'How to appoint a panel engineer'.

Consideration should also be given to the potential impacts of development on the operation of reservoirs. This is particularly important where impacts could affect the management of flood risk or the supply of water.

Paragraph: 046 Reference ID: 7-046-20220825

Revision date: 25 08 2022

On the basis of the above, we wish to recommend that the SPD refers to our infrastructure within the agent of change section of the SPD.

Response: This level of detail and rigour in this comment is beyond the scope of this SPD. The SPD sets out detailed layout guidance for new homes on sites that have already been designated or allocated for housing through the Local Plan. The SPD cannot allocate new sites for housing.

Suggested Change to SPD: None

Other changes

3.2 The following interface distances are intended to protect residential amenity and living conditions by preventing unacceptable harm from matters such as overlooking, loss of privacy/outlook or being over-dominant. These interface distances may have to be increased if there is a significant difference in the ground levels between properties.

At table under paragraph 3.2, first line, last column

Change

12 metres between two ~~single-storey ground floor~~ windows. Otherwise 21 metres. ~~for two or more storeys.~~

3.3 The lower interface distance for elevations facing a street reflect the fact that those elevations are going to experience less privacy due to comings and goings of pedestrians and vehicles. The lower interface distances between two ground floor windows that do not face the public highway (i.e. usually across rear gardens) is to reflect the fact that these will be separated by a garden fence or wall.

Conversion to Flats and HMOs SPD

Conversion to Flats and HMOs SPD - Comment made by: Green Pastures
Summary of Comment: 10.5m ² min bedroom size seems excessive when the standard across the UK is 6.5m.
Response: The Council are looking to increase standards in his housing to improve residential amenity. 6.5m ² for a main bedroom is far too small and would barely be large enough for a child's bedroom. Second (and other) bedrooms in flats can be 8.5m ² . The 10.5m ² standard only applies to the main (or only) bedroom.
Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development
Summary of Comment: Paras 1.2 & 5.1 Those statements – on the face of it - are a helping starting point for the SPD, acknowledging how important this type of accommodation is to a very wide range of people. One of our client's concerns, however, is that (having already put this question to the Council's Policy team leading up to these representations) no attempt appears to have be [sic] made to quantify the extent of need / demand for HMO accommodation. That information is very important in order to inform such an important policy document. If the Council does not know the basic facts, how can it sensibly expect to formulate a realistic policy? Again, that lack of robust research and analysis smacks of 'policy on the hoof'.
Response: From a Planning Policy perspective there is no requirement to identify the need for HMO accommodation. Sefton Council obviously recognise that this tenure does provide small, affordable, and flexible accommodation for a wide variety of people including single people, students, low paid and seasonal workers, those on short term contracts and also unemployed people on housing benefits and are therefore an important part of the housing market. However, this SPD is not prescriptive in promoting or limiting the number of HMOs in Sefton but concerned with improving the quality and standards of said accommodation. The Council assess the need for housing in general and look at the need for affordable housing as defined by the NPPF. Privately rented housing (including HMO accommodation) does not meet the definition of affordable housing in the NPPF. In any case, the SPD is looking to set out standards for proposals to convert to HMOs (and flats). It is not promoting an overall number of HMOs or flats. In this respect it is similar to the New Homes SPD which sets standards for new housing but doesn't quantify a number of new homes needed. Sefton's housing requirement is set out in the Local Plan and can't be introduced or amended through an SPD.
Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 1.3 states 'Most conversions to Houses in Multiple Occupation require planning permission for the change of use.' We question the accuracy of that statement, and given lack of data that the Council has acknowledged to our client that it is not in possession of, how does it know? Policies should not be formulated on guesswork.

Response: Agree

Suggested Change to SPD: Change 'most' to 'many'.

Comment made by: Elite Estates Development

Summary of Comment: Paragraph 1.4 and 4.5 (and table)

Footnote 1 is confusing and unnecessary on two counts, namely because:

- The table breaks down accommodation into 'single person' and 'two person', in which case what purpose does the sentence '**These figures assume there is only one occupant**' serve?

- Likewise, what is the purpose of referring to the 25% increase when that increase has already been included into the table above? Fundamentally, it is our client's case that the above room sizes are far too high, and that the SPD is placing quantity over quality. It is an obvious fact that a larger HMO room does not necessarily equate to a better **quality** room, and it is naïve to assume that that is the case. In national legislation, *The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018* confirms at part 1A(1) that, in England, a HMO licence must :

'ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is **not less than 6.51 square metres.**'

We acknowledge that the above legislation relates to HMO licencing and as such it is separate from planning policy, but it is surely an important material consideration. The obvious point is that, in formulating that recent legislation, the Government clearly accepts that HMO rooms can comfortably be very considerably smaller (little more than a third of) the space standards specified in both the adopted and emerging SPDs.

Furthermore, Sefton Council's own licencing team assesses HMO licence applications on the basis of that national legislation, and as such there is a clear disconnect between that team and the LPA.

Whilst the ambition in Sefton's SDP is laudable in seeking to provide as spacious accommodation as possible, the above space thresholds are arbitrary. They are very considerably more than what the Government deems appropriate, and are well in excess of the policy requirements of many other authorities. For example, Liverpool City Council's policy is 13 sqm (as compared to 15 sqm).

Crucially, it is our client's case that assessing HMO proposals should not focus solely on quantity, but that the **quality** of accommodation is equally (and arguably more) important.

For example, our client favours the provision of *en-suite* bathrooms in each HMO room because their experience – based on real feedback from their customers (not guesswork which the LPA appears to be basing its policy on) - tells them this is appreciated by tenants.

It is ironic that, if – as the above table suggests - *en suites* are omitted from rooms and a communal bathroom is provided instead, that makes it far easier for developers to achieve the correct policy sizes. Evidence suggests that that this is precisely what most HMO providers provide, because it conveniently ticks the policy box. However, the sad irony that seems to be missed by the LPA is that this in fact creates **poorer quality** accommodation for tenants. Instead of having their own private bathroom / toilet, they are required to leave their room, walk along a corridor, up or down a flight of stairs, and have to wait while others complete their ablutions. That arrangement is far from convenient, and the inclusion of *en suites* makes for a far more convenient and better quality lifestyle.

The LPA perhaps does not appreciate this, but it needs to understand that strict adherence to the SPD standards has the effect of **reducing the quality** of accommodation, because most promoters of HMO applications avoid *en suites* for that reason, and require their tenants to share communal bathrooms.

In simple terms, our case is that the LPA's apparent obsession with room sizes well in excess of those suggested as appropriate in national legislation impacts directly on the **quality** of the HMO accommodation, because it makes it very easy for developers to bypass quality (such as removing private bathrooms / toilets for each resident) and deliver inferior accommodation. In short, quality is set aside in the interests of quantity.

We suggest that this is an important material consideration, and that the SPD should be far more focused on **quality rather than quantity**.

Response: We acknowledge that the SPD advocates minimum room size in HMO accommodation that is much more generous than those in the licensing regulations. However, we consider the licensing standards to be the minimum legal required and not something to be aspired to. Sefton are looking to provide all its residents with good quality living conditions that enable them to live well. The respondent has referred to quality being just as important, if not more so, than quantity. The Council consider that sufficient space is a key component of quality, and this view is supported by the Council's Housing Standards Team who help shaped the SPD.

It's important to note that, whilst the rooms are indicated as for single occupants, these occupants will be adults. As adults they should be expected, and supported, to live a fully active and engaged life. This may include having friends, family and partners stay with them on occasion. They should also be provided with sufficient space to keep personal belongings, have space to work or study from home, eat meals, or just relax. They should not be forced to do so in a room that would barely be big enough to fit a single bed and a few pieces of bedroom furniture. It should always be remembered that a HMO bedsit will be an entire whole home for residents. Just because people don't currently have the finances to afford a house of flat, they should not be expected to endure a lower quality of life.

It is acknowledged that larger rooms don't, in themselves, guarantee good quality accommodation, however there are other processes for the Council, such as through our housing standards team, to ensure that good quality accommodation is being provided.

The objection refers to that Sefton's standard of 15m² is higher than that in Liverpool (13m²). However, the 15m² standard in Sefton is only if the resident doesn't have access to communal facilities. The SPD provides a flexible approach to allow owners to convert their property using the space appropriate. For example, if the rooms are smaller than 15m², but at least 10m², they can still be used as a bedroom so long as a communal lounge/dining area is provided. If rooms are too small to be used as a bedroom (i.e. <10m²) then they should be used for other purposes. In any case, Liverpool's standards are not our concern.

It is accepted, however, that as currently written the standards may dissuade landlords from providing en-suite bathrooms as this may result in a bedsit being <10m². We will look to make this so the room calculation can include an en-suite bathroom so long as the bedroom/living space does reduce more than 3m² from the standards in the table or below 8.5m².

For example, a bedsit (Single room/person bedsit without kitchen facilities but with access to communal lounge) that has 9m² of bedroom space plus 2.5m² on-suite bathroom (11.5m² in total) would be acceptable. However, the same bedsit that has 8m² of bedroom space plus 2.5m² on-suite bathroom (10.5m² in total) would not be acceptable as the living space is too small. Similarly, a bedsit that has 8.5m² of bedroom space plus 1.3m² on-suite bathroom (9.8m² in total) would not be acceptable as the total area is <10m². However, if no en-suite bathroom is provided, then we would still expect the bedsit to be a minimum of 10m² (or 13m² if no communal lounge/dining room is provided)

Suggested Change to SPD:

Amend the footnote to table at para 4.5 as follows:

~~These figures assume there is only one occupant. Were a single room bedsit unit within a HMO is intended for two occupants then these standards are increased by 25%.~~ These areas can include ~~exclude~~ en-suite bathrooms, toilets or shower rooms as long as the bedroom/living space does not fall more than 3m² below the standards above and the main room size is no less than 8.5m² in any case.

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.7

This is a further example of the LPA's naivety and lack of research knowledge. The above paragraph guesses about what HMO residents need and aspire to. Our client – as one of the largest providers of HMO accommodation in Sefton – knows different, because they speak to their tenants and listen to what they need, and they observe how HMO accommodation is used in reality.

Critically, the fact of the matter is that, where communal lounges are provided, they are very rarely used by tenants. This the reality of what occurs on the ground. Here it is important that the LPA does not get confused about the type of people who choose to live in HMOs or their lifestyles. It might be the case that in some student-focused HMOs – where the tenants are of a similar age, outlook and status in life – a degree of ‘social interaction’ occurs in communal spaces. However, in most HMOs (certainly those in Sefton, which is distant from main education cores) the residents choose to live their own lives, often leading secluded and isolated lifestyles (by choice) and have no desire to ‘interact’ and share communal spaces with others they do not know and have no wish to know.

That might jar with the Utopian vision of the SPD, which seeks to paint a rosy picture of HMO tenants sat together, sharing meals, watching television, playing board games and suchlike, but that does not reflect reality. Our client’s very considerable experience and knowledge confirms quite the reverse. Rather than interacting closely, the overwhelming majority of their HMO tenants want and choose to live very private lives and spend the most of their time either in their rooms or outside. They rarely sit smiling with co-livers in ‘communal rooms’. They tend to have their own friends and families elsewhere in the local area, and have no need or desire to forge new friendships with people who tend to be from different places in their lives.

That said, rather than speculating / guessing about the lifestyles of HMO residents and imposing a well meaning, but ultimately unfounded / naïve / undeliverable vision of Utopia, the LPA should be speaking with them direct and with those who operate this type of accommodation, and establishing the facts. Without that robust evidence, both the adopted and draft SPDs are seriously flawed, diminishing the weight that should be attached to them.

Our client has recently queried with the Policy team the rationale for the above room sizes, pointing out (again) that these are close to **three times** what is suggested in national legislation, and also considerably in excess of what the Council’s HMO Licencing team works to. The Policy team’s response was :

‘The statutory minimum room sizes for licensing purposes as given in SI 616:2018, are the absolute legal minimum for a room used for sleeping in an HMO. They are not the ideal or optimal room size ...’

We question how the Council’s Policy team – which appears to have made no effort whatsoever to speak with those who reside in HMO accommodation – has derived these figures. How and why are they not ‘ideal’ or ‘optimal’? What do residents of HMOs think about these room sizes? The LPA does not know, because it has not troubled itself to ask them. And while asking them, they might at the same time query whether – if rooms are provided twice or three times the Government’s standard – they would be prepared to spend extra money on renting that extra space. This is the reality for commercial operators. If policy dictates larger spaces and in turn lower units, then market

economics dictate that rents must reflect this. There appears to be no robust evidence to justify these room sizes, and it appears to be a case of plucking figures from thin air, which is clearly not the correct way for the LPA to formulate policy. Again, the LPA has confirmed to our client that it has no data or research that supports the room sizes. That admission is telling.

Response: The Council don't think the provision of communal space that supplements the space private rooms that residents occupy as 'utopian'. It must be remembered that HMOs are a 'house' in multiple occupation. Houses are not just a series of bedrooms. They will include space to relax away from a bedroom, such as a lounge. Whilst we accept that not all tenants may want to use the space, we consider it important that they have that choice.

Notwithstanding this, the SPD does not insist on communal space to be provided. A landlord has the option not to provide communal areas if the private rooms are made larger.

The SPD standards have been proposed with close liaison with colleagues from DM management, housing standards and local ward members. This provides a huge amount of experience to draw upon when formulating policy. To claim that the proposed standards are just 'plucked out of thin air' is incorrect.

It should be noted also that the public consultation process for this SPD has also allowed those residing in HMO accommodation, or indeed other accommodation, in Sefton to provide their views.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.10

Ideally, it is our client's view that HMO residents should enjoy their own *en suite* bathroom, and it is here we reiterate the point made earlier that the irony of the SPD pushing for overly large rooms is that many HMO providers will dispense with en-suites (in order to hit the policy standard), such that residents have to share bathrooms. It is regrettable and ironic that the LPA's apparent obsession with large room sizes is in fact **reducing the quality** of HMO accommodation.

Response: Agree in part. See response above.

Suggested Change to SPD: See above

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.11

For reasons explained earlier, this apparent 'expectation' that residents 'may' socialise in communal areas is regrettably unfounded / unsubstantiated, and is not based on proper research or evidence.

Our client has the evidence and has offered to present it to the LPA, but thus far the LPA has opted not to take up the offer. For example, in a recent survey of its HMO tenants in Sefton, the following questions were put to them about the provision of communal spaces, as below.

[charts provided]

That outcome hardly presents a compelling or convincing case about the importance of communal spaces for those residing in HMOs. While we do not declare our client's survey to be absolutely definitive, it is inarguably far more reliable evidence than the Council has based its policy on. Our client has the evidence. The Council has no evidence, and is therefore formulating policy on the basis of guesswork and speculation.

Added to which, why would communal rooms be 'typically may be best located on the ground floor'. Where and what is the evidence for that statement?

Response: See response above. HMOs are 'houses' in multiple occupation. The vast majority of homes, the lounge or dining rooms are located on the ground floor. This is to separate them from the bedroom accommodation. The wording of the SPD ('typically') reflects this.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.16

How realistic are the above interfaces? In asking that, we note that §4.17 of the Draft SPD acknowledges that :

'In many urban parts of Sefton these standards may not be achievable. In these instances, we will consider the outlook and prospect of the accommodation as a whole, including communal habitable rooms.'

This begs the question, if it is recognised that in 'many' locations the standards are not achievable, why are they being suggested?

Added to which, what exactly does the term 'we will consider the outlook and prospect of the accommodation as a whole' mean in reality?

This needs to be better explained.

It is important to bear in mind that, while the Draft SPD sets out by (somewhat naively) suggesting that it might be taken into account even when planning permission is not required (why would it be?), its obvious function is to guide planning applications for HMOs, most of which (bearing mind the most probable locations for HMOs) are likely to be in or close to the Article 4 areas. It is those less affluent areas where most HMO residents in Sefton are likely to reside. For example, we suspect that there are very few HMOs in Formby.

In areas such as Bootle and Waterloo, the built environment is tightly-knit and dense, typically Victorian terraces and relatively narrow streets. In many cases, it will simply not be possible to achieve the above interface distances, rendering it close to impossible for many properties that are well suited to provide HMO accommodation to achieve the standards.

By way of just one example, the LPA is aware of recent / current proposals to establish a HMO at 101 South Road, Waterloo. That is, in many respects, an ideal opportunity to create a HMO. A vacant property (a former bank) in the heart of the District Centre, adjacent the railway station, whose sustainable and efficient use and re-purposing for much needed affordable housing one might expect the LPA to have embraced. In the case of those premises, the 'face to face' interface between houses flanking either side of Neville Road (the side road) is just 9 metres. That distance is fairly typical throughout the Article 4 areas, and as such we wonder what depth of thought the LPA has given to how achievable its interface distances are. A cynic might ponder – bearing in mind what appears to be the politically-driven nature of this SPD – whether those space standards have been intentionally set at largely unachievable distances in a concerted attempt to drive down the number of much needed HMO accommodation in the areas that most need it.

The irony in the above case is that, for that same property (101 South Road), the LPA has recently approved a Prior Approval application to convert the building into Class C3 flats. If those flats were to be introduced as per that approval (as increasingly looks like it might be the case), they would face directly towards existing flats above 103 South Road, at just 9 metres distance. This surely brings into serious question the realism and achievability of the above interface distances, and why it is apparently acceptable for residents of private flats to experience interfaces of 9 metres, and yet not acceptable for residents of HMOs. There is no logic to that, and as such the above interface distances must be seriously questioned.

Response: Clearly if there is a room in an existing house that is used for a bedroom, and that room is proposed as a bedroom in a HMO, then this is not going to cause an issue. The issue is only likely to occur when bedrooms are proposed in a HMO in rooms that were not previously used for that purpose, if new windows are introduced, or non-residential buildings are proposed for conversion.

In terms of the phrase 'we will consider the outlook and prospect of the accommodation as a whole, including communal habitable rooms', this means that in some cases the interface distances may be under the suggested distance on some rooms, but others may be fine. The case officer will take a balanced approach when deciding if the interface distances are acceptable. Amongst other things, this balance is likely to include a consideration of the merits of the specific proposal and that (as the respondent has pointed out) in areas such as Bootle

and Waterloo, the built environment is tightly-knit and dense, typically Victorian terraces and relatively narrow streets, with existing house to house interface distances being lower than current norms.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.18 & 4.19

In respect of the above, the policy rules out any and all ground floor use for bedrooms flanking any and all 'public highways', and yet there are innumerable 'public highways' that are not unduly noisy and are perfectly capable of accommodating bedrooms (with appropriate glazing) and providing good quality accommodation.

Response: Do not agree. Existing homes that are provide very close to the public highway (i.e. with no or very little front garden space) would be normally designed so that the bedrooms are upstairs and privacy can be maintained.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.23

Why? Why – at least in some cases – is it not appropriate to carry out a certain extent of excavation in order to create good outlook and enable the sustainable and efficient use of buildings to create homes? In some cases, such excavation may not be appropriate, but in other cases it might be perfectly appropriate and cause no harm whatsoever to anything or anybody. In which case, what exactly is driving this “blanket” policy? It is not explained or justified. Such proposals ought to be assessed on their merits, and not dictated by a 'catch all' / 'computer says no' policy regime.

Response: This is to protect the design of the property and the street scene. However, it is accepted that this may be acceptable to rear or side of the property with the understanding that this may result in a loss of the private amenity space.

Suggested Change to SPD:

Amend para 4.23 (and 3.12) as follows:

it will not be acceptable to excavate land at the front of the property to provide a reasonable outlook, but this may be possible at the side or rear of a property subject to design considerations, flood risk issues, impact on a heritage asset, amount of amenity space that is left and residential amenity issues.

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.26

The above seems internally inconsistent. On one hand, it appears to rule out all possibility that habitable rooms can be served by roof lights, and yet the final sentence infers otherwise. The phrase 'roof lights that only face the sky' needs explanation. Do not all roof lights face the sky?

Added to which, we question why a view of the sky is any better or worse than a view of say a terrace of houses through a 'standard' window. It might be argued that an open, unspoilt view of the sky is preferable to (and far more private than) a view towards many buildings. Furthermore, there are a great many habitable rooms (principally bedrooms) in homes that are only served by roof lights, and the majority of roof lights (set into pitched roofs) do in fact provide sideways views (as well as views into the sky).

Response: Windows higher up on a pitched roof, or those laying horizontal on a flat roof, will only give residents a view of the sky. We do not agree that giving residents only a view of the sky is acceptable.

Suggested Change to SPD: For clarity amend paragraph 4.26 to:

'...roof lights that only ~~face~~ provide a view of the sky are not considered to provide a reasonable outlook'.

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.29

Why is it 'important'? What evidence does the LPA have that residents of HMOs need or aspire to, or make use of outdoor amenity space? It has no evidence, and this policy requirement is based on little more than supposition and guesswork.

Our client – as one of the most reputable and leading providers of HMOs in Sefton – knows that most HMO residents have no need requirement for on site external amenity space. In cases where it is provided, it is rarely used, as residents much prefer to visit local facilities. We have observed that the LPA is very keen to place weight on 'clothes drying' in its decision making process. The LPA is charged by the NPPF to 'find solutions'. The answer to clothes drying is surely very simple. Introduce a policy that requires HMOs to be provided with mechanised drying facilities, as are provided by our client in all of their HMOs, albeit we are advised that the use of these is very limited. Again, it is most important that the LPA takes the trouble to carry out proper research, liaise with the right people, and base its policies on facts, not speculation about what HMO residents wants and aspire to.

Response: The Council strongly supports the principle that all its residents have access to private outdoor amenity space. There seems to be a view with this comment that the poorest people, those less likely to afford a home or flat, should not be entitled to the same minimum standards as anyone else. Moreover, even if not enshrined in legislation, the requirement for outdoor amenity space is set out in the

government's National Design Guide (2019) (NDG). Section 12 of the National Planning Policy Framework indicates the importance of the National Design Guide (NDG). The NDG sets out 10 principles of good design, including 'Functional, healthy and sustainable homes and buildings'. Paragraph 120 says that "Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them". The sub-principle H1 is for a 'Healthy, comfortable and safe internal and external environment'. In this context paragraph 126 states that "... The quality of internal space needs careful consideration in higher-density developments, particularly for family accommodation, where access, privacy, daylight and external amenity space are also important". The subprinciple H2 is for 'Well-related to external amenity and public spaces'. Paragraph 131 in relation to this subprinciple says that " Well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes. They are well-overlooked and all of the residents who share them can access them easily". It is clear, therefore, that government planning guidance supports the provision of well-designed, high quality outdoor amenity space for "residents regardless of the type or tenure of [their] homes".

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.30

We question where this figure has been plucked from. It appears arbitrary. National legislation relating to HMOs contains no such requirement for amenity space, presumably because it is recognised that residents of HMOs have the nous, capability and dynamism to leave their homes and make use of local facilities (parks and suchlike) rather than sit in back yards and suchlike. Our client's 'on the ground' / 'real time' knowledge, experience and observations reveal that, even when good quality amenity space is provided, tenants of HMOs rarely use it. They tend to go elsewhere to spend their amenity time.

Response: As set out in relation to the previous comment, the government's National Design Guide (2019) supports the provision of well-designed, high quality outdoor amenity space for "residents regardless of the type or tenure of [their] homes". The Council strongly supports the principle that all its residents have access to private outdoor amenity space. The Council are entitled to set out standards for new homes that it considers necessary to provide a minimum level of residential amenity. To suggest that the lack of national legislation requiring amenity space in these situations justifies not providing open space is not a position the Council will accept. That some existing HMO residents may not use outdoor space is not a justification to deny future HMO residents from having such space. Existing HMO

residents may not use outdoor space for a specific, valid reason and a HMO landlord should look at the quality of space provided rather than using this to justify not providing any.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 4.33 & 4.45

The above infers that the LPA will adopt a flexible and pragmatic stance on the topic of amenity space, but regrettably our experience suggests otherwise [example given at 101 South Road].

In spite of that justification, the LPA has resisted the various proposals for HMOs at that property, and has demonstrated a most intransigent, inflexible and arguably absurd position. This is clear evidence that the SPD is not, as it claims, a tool to facilitate the delivery HMOs, but rather a mechanism to drive down the number of HMOs in Sefton, and in doing so to prevent those who rely on HMO accommodation from having a safe, comfortable, affordable home.

Response: Do not agree.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: In terms of the amount of external amenity space required in the draft SPD (10 sqm per occupant), it is interesting to compare that to the amount of amenity space required to be delivered for housing schemes in the Council's New Housing SPD June 2018. §6.1 of that SPD states that gardens for houses should be at least the following size :

Development	Sq Metres
New Housing (1-2 bedrooms)	50sq metres
New housing (3+ bedrooms)	60sq metres

On the face of it, it might be assumed that a 3 bedroom house could accommodate 3 people, resulting in amenity space provision equating to 20 sqm per person. However, many 3 bedroom houses contain more than 3 people. Furthermore, the garden requirement for a 4, 5 or 6 bedroom house is precisely the same (60 sqm). Taking a 5 bedroom house as a proxy, these could quite easily contain 7 or more people, which would result in less than 10 sqm of amenity space per occupant (based on the above SPD standards). The irony in such cases is that the draft HMO SPD requires more amenity space provision than do larger family homes in Sefton. We see no logic in that, and it is evident

that the LPA has no robust evidence or data to support such an onerous amenity requirement that it must surely know is not achievable in most of the cases where HMO provision is likely to come forward.

Response: As set out in relation to earlier comments, paragraph 131 of the government’s National Design Guide (2019) says that “ Well-designed shared amenity spaces feel safe and secure for their users. They are social spaces providing opportunities for comfort, relaxation and stimulation - including play - for residents, regardless of the type or tenure of homes. They are well-overlooked and all of the residents who share them can access them easily”. The amenity space standards for new homes should be seen within the context of policy standards requiring at least 65% of new homes to be 1, 2 or 3 bedroomed; on this basis a 5 bedroom house would not be the norm (proxy). However, the key point is that the Council considers the amenity space standards for HMOs and other new housing to be appropriate in each case. If the homes that are being considered for HMO do not have the space to meet our standards, this strongly suggests they are not suitable for conversion.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.4

We have seen no evidence of a periodical review and would encourage the Council to undertake such a review at the earliest opportunity.

Response: Noted

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.5

We question the 100 metre radius. This is arbitrary and ought to be explained. Why not 200 metres? Or 300 metres? Or 500 metres?

Response: The current SPD used a 50m radius. After several years of implementing this, it has become clear this is too small. 200m or above is considered too large as it would pick up a large number of homes and go beyond what people would typically think of their local neighbourhood. An area covered by a circle with a 100m radius is 3.14ha. In many parts of the article 4 direction area this would include 250-300 properties. A 200m radius would cover an area of 12.5ha and could include over 1,000 homes. A 500m radius would be an area of 78ha and would include thousands of properties. 100m is considered to be appropriate.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.6

Again, how and why has the LPA selected this 10% threshold? It is arbitrary and ought to be explained. 10% is very low. Would it harm to increase the level to say 15% or 20%, and if so, what harm would arise? The LPA needs to better explain / articulate / justify the position, because – again – this has the hallmark of ‘policy on the hoof’.

Response: The 10% threshold was set out in the 2018 Conversions to Flats and HMOs SPD. Even after several years of implementing this, no clear rationale exists for changing the threshold. Do not agree that 10% is too low. An area covered by a circle with a 100m radius is 3.14ha. In many parts of the article 4 direction area this would include 250-300 properties. A 10% cap would therefore allow 25 to 30 properties to be converted.

However, the SPD will be updated to make it clear that the 10% threshold will only apply to the area covered by the article 4 area. This is referred to at paragraph 5.3 but this will be repeated at paragraph 5.5 for clarity.

Suggested Change to SPD:

5.5 To reduce the impact of too many conversions to Flats or HMOs on a neighbourhood within the article 4 area (see Appendix A), the Council will apply maximum concentration of conversions to Flats or HMOs to 10% of the properties in a local area. The Local Area will be defined as being within a 100m radius of a proposal for conversion to flats or HMOs. **Note – this policy, on a maximum concentration of conversions, does not apply to areas outside of the article 4 direction area.**

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.8

Why? Can the LPA explain why preferential treatment is being given to flats, and why the policy sets out such an overtly negative approach to HMOs? How does this assist those residents of Sefton who need / rely on HMO accommodation?

Response: Comment accepted

Suggested Change to SPD:

Amend paragraph 5.8 as follows:

5.8 The above restriction will not be applied to proposals for conversion to flats and HMOs within one of the Council’s defined Town, District or Local centres (as shown on the Local Plan policy maps). This is because centres are an excellent place to have a large number of people

living, due to the concentration of services and facilities. ~~The restriction will, however, be applied to conversions to HMOs in Sefton's Town, District or Local centres.~~

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.10

The above seems an unduly contrived, complicated and tortuous process to put Applicants through. The LPA's role is to assist and find positive solutions, not to throw barriers in the way. That said, having acknowledged how important HMOs are to many residents of Sefton, the Council ought to be providing a proper, up to date database in respect of the above issues, to provide applicants with user-friendly 'real time' information in order to guide and assist applicants in delivering the correct amount and type of HMO accommodation to service the needs of Sefton's residents who rely on it.

The manner in which the policy is drafted might be seen by some as an exercise in complicating matters and putting off potential applicants.

Response: The Council has set out a clear, standardised and hence equitable approach, based on the 'best available information'. This process has been used since the adoption of the current HMO SPD in 2018, albeit with a 50m not 100m distance, and is considered to be fit for purpose. The Council offer a pre application service and as part of that would do this assessment for the applicant. The Council considers that this SPD guides and assist applicants in delivering the correct amount and type of HMO accommodation to service the needs of Sefton's residents who rely on it; with this amount and type being set by the supply of suitable properties for conversion according to the SPD guidance. The Council have an online register of licensed properties [Search Public Register - HMO Sefton](#). A link to this will be provided in the SPD.

Suggested Change to SPD: Appendix C

Add

Register of Housing licences

[Search Public Register - HMO Sefton](#)

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.11

This sounds like a convenient excuse. If the LPA wishes to present policies, it needs to apply more resources to it and ensure it has up to date, reliable information upon which it can base rationale decisions and judgements going forward. Guessing is not good enough when homes are at stake.

Response: The Council can only use the best available information'. It will not be making any guesses. Paragraph 5.11 is not an excuse but a statement of fact.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Paragraph 5.13

The irony is that it is the Council in itself that is insisting on shared living spaces that might cause issues, and which our client knows (based on experience) are rarely used or wanted by HMO residents.

Response: Comment noted

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: Appendix B flowchart

The flow chart is illogical and flawed in respect of the part identified in dashed pink, in that it appears to penalise HMO accommodation and yet allow for flats to go forward in the same circumstances. Why is this? This makes no sense and needs to be checked properly by the LPA and explained.

In terms of the part highlighted in dashed turquoise, we request that the LPA clarifies the reference to Permitted Development rights. What – exactly - is this referring to? If PD rights apply to convert to either flats or HMOs, why would any developer be referring to the SPD? It would be irrelevant in such cases. In which case, what are the PD rights being alluding to?

Response: Agree with the first point and will change the fourth blue question in the flowchart so that market housing (whether flats or HMOs) are treated the same.

The issue of a fallback position and PD rights refer to occasions where an applicant will look to extend a property to improve the quality of proposed accommodation (and therefore need planning permission) even though they could legitimately convert without planning permission. The Council could take the view that the extended accommodation provides a much better outcome than the development that could occur under permitted development, even if this is unable to secure the required amount of outdoor amenity space.

Suggested Change to SPD:

Amend the fourth question in blue in Appendix B as follows:

Does the proposal include ~~HMOs~~ or social/affordable rented properties?

Conversion to Flats and HMOs SPD - Comment made by: Elite Estates Development

Summary of Comment: General Comments

Moving beyond specific points set out in the draft SPD, it is worth raising the following contextual points that the Council needs to be very mindful of when formulating policy that impacts on people who rely on HMO accommodation, to ensure those people are not unduly or unfairly discriminated against.

For example, the DCLG's *'Planned Out: The Discriminatory Effects of Planning's Regulation of Small Houses in Multiple Occupation in England'* points out the consequence of local planning authorities favouring district-wide Directions is that the provision of small shared houses across many entire towns and cities in England is (obviously) to ensure tightly controls. Although Government and local planning authorities acknowledge that HMOs provide accommodation **"for people whose housing options are limited"** (DCLG, 2017, p. 4), it suggests that the blanket nature of these measures (Article 4 Directions) constrains options further.

It points to analysis of planning legislation, including linked local planning policy on HMOs, has broadened our understanding of **'planning's ability to disadvantage, exclude, control and/or oppress certain groups'**. The analysis provided evidence of the potential for planning to disproportionately affect young adults on lower incomes, the typical occupants of these properties, and other low income groups, from migrants to families, who find accommodation in the shared housing sector. By tightly controlling the presence of HMOs within an area, often across an entire city, the housing options of these lower-income groups are spatially constrained in ways not experienced by other populations.

It suggests that this commonality of approach, combined with, at the national level the **"legislative gymnastics"** undertaken to facilitate the targeted control of small shared houses, might point towards **"systematic and procedural prejudice"** against HMOs in planning, which disproportionately affects the lower-income groups they typically house.

It suggests that apparently progressive ideals, especially the wish to create and maintain balanced communities, often appear to underpin HMO policies. For planning, anything more than a small minority of HMOs in an area is assumed to destabilise the preferred social order, tipping a community into a dangerous unbalanced state, and a sea of social, economic and environmental troubles. When this concern takes the form, as it does in the approach to HMO residents, of an interest in including **"socially desirable"** groups and excluding **"less desirable"** groups, it is **'inextricably'** linked to **"social control"** and the active management of individuals and behaviours.

In its *Housing in Multiple Occupancy: Energy Issues and Policy* (a report by Future Climate and the Centre for Urban Research and Energy at the University of Manchester for Eaga Charitable Trust), it is highlighted that rising demand for HMOs is not just policy driven. The number of single person households as a proportion of all households has steadily increased and is predicted to rise in the future (29% of households consisted of only one person in 2013). Further, it notes that policy changes and demographic trends need to be understood in terms of the wider functioning of the UK's housing market where a structural shift towards more private renting has occurred over the last decade.

It notes that the concentration of HMOs in certain areas is related to the UK housing market, characterised by a liberal market economy, but with extensive market failures, linked to a wider societal trend of increasing segregation and inequality. It states that HMOs 'mop up' housing need originating from those who do not have the economic and social resources or indeed status required to access owner occupation, single-occupancy private rented homes, or the remarkably constrained stock of social rented home.

It highlights that shared housing can be an important part of UK's housing future. Increasingly, people are living alone, a mode of living that – if very widespread - is as wasteful of energy as it is socially atomising. A new model of shared housing could see more single people actively choosing to share part of their homes and their lives as a matter of preference rather than abject lack of choice as is often the case currently :

'Warm, affordable, environmentally sustainable HMOs have to be at the very centre of that positive vision.'

In the UK, the researchers estimated that approximately 1.5% of the population was missed out from the 1991 Census. When considered as a proportion of the typical HMO occupants, the potential bias could be significant and most likely resulting from non-response among key HMO tenant groups: single males, new migrants, private renters and house sharers generally.

In *'Extending mandatory licensing of houses in multiple occupation (HMOs) and related reforms'* (DCLG, 2015), it is highlighted that HMOs generally provide a cheaper form of rented accommodation than renting a flat or a house as a single household. They are therefore one of the main forms of housing in the private rented sector for people on low incomes or living on benefits. They are also often the only source of housing for certain groups such as students people on low income or foreign nationals. Tenants can be vulnerable because of their age lifestyle and nationality or immigration status.

The report states that **'we want to make it easier for local authorities to raise standards in smaller hmos where there is a need for improvement'**.

In 'Housing First Feasibility Study for the Liverpool City Region' (commissioned by Crisis with Government funding) it is noted that there is a recurring theme from the qualitative research was that the introduction of welfare reform, including Universal Credit, the removal of Spare Room Subsidy, changes to disability benefits and increased use of sanctions in relation to Job Seekers'

Allowance is causing a number of challenges for people trying to get back into (or remain in) housing. These include:

- A lack of 1-bedroomed or shared room rate accommodation in some areas

In '*Houses in Multiple Occupation Article 4 Direction Supporting Case for Article 4 Direction in parts of Bootle, Litherland, Seaforth, Waterloo and Southport*', it is noted that housing tenure is changing nationally and in Sefton. Levels of home ownership have fallen whilst private renting has increased.

More people are finding it difficult to buy their own home:

'The delivery of affordable housing has therefore never been more important.'

In particular, the analysis in that document suggests that, in Bootle and Netherton, there appears however to be a mismatch between the existing stock and an overall need for smaller dwellings.

It acknowledges that, given the viability of residential development within the Borough and the availability of funding for affordable housing, it is unrealistic to assume that all housing needs can be met through provision of new affordable housing. It states that part of the gap between need and potential future supply of affordable housing will be met by the Private Rented Sector. The analysis also suggests that there are shortages of particular sizes and types of affordable housing - e.g. one- and two-bedroom units.

In addition to the provision of new affordable housing, it notes that the Council was advised to investigate how better use of the existing housing stock could be made to meet housing need (recognising that the Council does not own/manage stock such investigations would need to be conducted with its stock owning, housing association partners). This, it suggests, particularly applies to Bootle and Netherton where an overall surplus of affordable housing is identified but with a shortage of smaller homes.

To address Sefton's future housing challenges, it notes that five strategic housing priorities and key themes have been identified through consultation and evidence gathering:

- Driving Housing quality in communities and neighbourhoods
- Meeting people's housing needs;

- Enabling People to live independently;
- Tackling Barriers to obtaining suitable housing for the most vulnerable and ensuring equal access to housing services;
- Working closely with Private Sector Landlords to improve housing quality by attracting high quality landlords to invest in Sefton and reduce the number of 'non decent homes'
- Helping to reduce health inequalities through improved housing conditions
- Meeting the housing needs of more diverse and the most vulnerable communities

It is noted that, generally, it is younger people that access smaller, less expensive homes, including HMOs. This is due to difficulty accessing mortgages, fewer opportunities to rent social housing, transient employment opportunities and lower wages. Areas that have a higher than average number of younger people, will often experience higher demand for smaller, less expensive accommodation.

This will generate a demand for smaller, cheaper accommodation and provide an incentive for owners of homes to consider sub-dividing to maximise profits.

It is noted that, as of 2011, it was estimated that around 13% of households live in the private rented sector – this compared with 15% for the region and 17% nationally at that time. The number of households living in the private rented sector has risen significantly in line with national increases – an estimated 15,804 households live in private rented accommodation (2011) which is 64% higher than the figure (of 9,616) recorded in the 2001 Census.

As well as clearly showing the growth in the private rented sector, the data also shows a significant reduction in the proportion of households owning homes with a mortgage or loan. The data also shows a notable decrease in the size of the social rented stock which may limit the ability of lower income and more vulnerable people to meet their housing needs.

It notes that the local, and national trend, towards the private rented sector is symptomatic of the well reported difficulties of people able to access mortgages and of a restricted supply of new housing. This squeeze has pushed many households, often younger households, into the rented sector. As there is also a shortage of social rented accommodation many households have been forced into the private rented sector. This has pushed up demand in this sector, increasing prices, and has made it viable for landlords to sub-divide homes to take advantage of the increased demand and to maximise income.

The level of need identified above is therefore likely to result in an increased demand for private rented properties in the area and is likely to support the conversion of properties to smaller, affordable accommodation, including HMOs.

The increase in the number of flats has been partially caused by the increased sub-division of larger homes into flats. This has been caused by the demand for private rented accommodation (as set out above) and the shortage of suitable social homes. The demand for HMOs has also been driven by these same socio-economic forces.

The purpose of highlighting the above policy threads (of which there are many more of relevance to the topic of HMO accommodation) is to reinforce the message about how critical it is to provide the correct type of housing for all residents of Sefton, and to ensure that ill-considered policies based on flimsy research, assumption and guesswork – such as the draft SPD - do not have a harmful impact on those in desperate need of HMO accommodation. Our client is not convinced that Sefton Council have based its current or draft SPD on proper research or careful thought about the consequences of its actions. The SPD feels more like a knee jerk, politically driven response with little thought given to unintended consequences that may (and do) arise.

Summing Up

Whilst the LPA will inevitably deny it, our client considers that this draft SPD (and its predecessor) are being driven politically. That statement is not based simply on supposition, but on substance. The effect of the overtly stringent policy requirements (especially those relating to room sizes and amenity space) are having the effect of reducing the scope to re-purpose vacant / underused buildings, stunting regeneration and the deliverance of much needed affordable accommodation than many residents of Sefton rely on.

Such political motives are disappointing, but – setting aside any such blinkered motives – if a policy is called for to govern HMOs, it needs to be sensible, realistic and based on proper facts and research, not arbitrary ‘finger in the air’ speculation and guesswork.

Our client is a leader in the operation and delivery of HMOs in Sefton. One of the most important and reputable providers in the borough. They are disappointed that the Council has chosen not to reach out to them and seek their informed advice (based on fact and experience) and taken advantage of information they have at their disposal (which our client has offered to share with the Policy team).

Even more disappointing is the failure of the Council to speak to those who really matter, namely those residents of Sefton who rely on HMO accommodation. How can the Council seriously formulate a policy with no reference to those who will be most affected by it? That smacks of arrogance and naivety.

The fact of the matter is that what HMO residents really want and need is a safe, comfortable, affordable home of a decent size and good location. This is what our client delivers time and time again. Their knowledge and experience shows that HMO dwellers are little concerned by the provision of large rooms, communal rooms and outdoor amenity space – matters which the Council appears close to obsessed about

and much of which cannot realistically be delivered in many cases. What the Council seems not to appreciate is that the effect of both the adopted and emerging versions of the SPD is to dumb down / restrict both the quality and quantity of much needed HMO accommodation, putting in place 'made up', arbitrary rules and hurdles based on supposition and guesswork.

For those reasons, the draft (and adopted) SPD are currently not fit for purpose, and they do not assist those residents of Sefton who are desperate for good quality HMO accommodation and have nowhere else to turn in the context of a national housing crisis, rising food prices, rising fuel prices, rising inflation, war in Ukraine and a global economic recession.

The SPD needs a cold, harsh reality check and a fundamental review based on fact, not fiction.

Response: The Council would refute that it is putting up barriers to prevent the provision of HMOs. Instead, it is seeking to raise the quality of permitted HMOs, to ensure they are provided in appropriate properties and are not over-concentrated in certain areas. It is not a coincidence that a greater number of HMOs occur in Sefton's lower value areas and in higher value areas there are not many. This would suggest that the choice to convert these properties is an economic choice rather than to meet a local affordable housing need – we know that Bootle and Netherton are the most affordable areas of Sefton and that the latest Housing Market Assessment identified there was no quantitative need for additional affordable housing in these areas. The Council have not implemented a borough wide article 4 direction and most homes (almost three quarters) in Sefton could still be converted to a small HMO (3-6 occupants) without the need for planning permission (see below)

Total residential dwellings in Sefton = 141,793

Residential dwellings within Southport Article 4 = 12,876 (9.08% of total)

Residential dwellings within Bootle/Seaforth/Waterloo Article 4 = 25,036 (17.66% of total)

Many of the issues raised by this responder to the spd could be overcome if the number of units was reduced to an appropriate number and not maximised, presumably for financial reasons. For example, a proposal to convert a 3 bedroom home to a 6 occupant HMO is likely to encounter problems, but if the home was converted into a 3 person HMO then these may be overcome.

Suggested Change to SPD: None

Conversion to Flats and HMOs SPD - Comment made by: Merseyside Police

Summary of Comment:

due to the nature of occupants of HMOs i.e. people unknown to each other living in the same building, it is important that residents have privacy and the ability to secure their individual rooms to keep themselves and their belongings safe, each individual bedroom door must be lockable, preferably with a British Standard lock.

Mail and parcel theft has increased in recent years with the propensity towards online shopping. To prevent mail and identity theft I advise that HMOs have a secure bank of individual letterboxes for residents to use.

Response: Whilst these are not planning considerations, they are issues that are likely to be addressed through the licensing process. It is therefore proposed to make a cross reference to this within the HMO section of the SPD.

Suggested Change to SPD:

Add the following new para and header

Need for a separate licence

4.43 It is important to note that a licence may be required (under a separate consent process) even if planning permission is not required. Furthermore, the granting of planning permission does not automatically mean that a licence will be granted. You should check the requirements for a licence separately with the Housing Standards Team (see Appendix C). The requirements for a licence would likely include consideration of room sizes (against licence standards if they are different to planning requirements), heating, kitchen and bathroom facilities, fire precautions, housing health & safety, security and the storage / disposal of household waste. Whilst these are not planning considerations, applicants are strongly advised to ensure all licensing requirements can be met before planning permission is sought.

House Extensions SPD

House Extensions SPD - Comment made by: United Utilities

Summary of Comment:

It is important to outline to householders and the LPA the need for our assets to be fully considered in proposals. United Utilities will not allow building over or in close proximity to a water main.

United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either a building control professional or following a direct application to United Utilities. For further details see our website at <http://www.unitedutilities.com/builders-developers.aspx>.

Householders must carefully consider extensions and landscaping proposals in the vicinity of our assets and any changes in ground levels, which may not be acceptable.

Prior to preparing the detail of any extension proposals, it is critical that householders obtain a copy of the public sewer and water main map so that they can check whether there are any water mains or public sewers near to their house. In some instances, public sewers may not be visible on the extract of public sewer map because the assets were previously private assets that have now been transferred under private sewers legislation. Such assets should also be considered.

Considering the impact on our assets is really important both in terms of the impact on our assets, the impact on the extension and the any health and safety concerns that can arise when working near to our assets, especially pressurised assets such as water mains and pumped sewers. In some instances, permitted development rights may have been removed by condition as a result of a water main or sewer being within the curtilage of the property. We therefore recommend you include the following wording in your SPD.

'Prior to preparing the detail of designs for your extension, you should obtain an extract of the map of public sewers and water mains to confirm whether there are water mains or sewers in the area where you plan to extend or work. United Utilities will not allow building over or in close proximity to a water main.

Also, United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities. For further details see United Utilities website at <http://www.unitedutilities.com/builders-developers.aspx>). If you do not do this, you may not receive building control approval for your proposed extension which would have implications for you when you sell your house.

You will also need to carefully consider your landscaping proposals in the context of any utility assets. This is because the roots of trees can cause damage to water mains and sewers. For example, they can cause a blockage inside a sewer which then increases the likelihood of flooding to your house and your neighbours.

In some instances, your right to extend your property under permitted development rights may have been removed as a result of a water main or sewer being near to your house. This would have been done via a condition on the original grant of planning permission. You will need to check whether this is case in instances where there is a sewer or water main in the curtilage of your house.'

Response: Suggested additional text accepted.

Suggested Change to SPD:

Add new section to chapter 11 as follows:

Considering water and wastewater assets

11.22 Prior to preparing the detail of designs for your extension (including any replacement trees – see above), you should obtain an extract of the map of public sewers and water mains to confirm whether there are water mains or sewers in the area where you plan to extend or work. United Utilities will not allow building over or in close proximity to a water main.

11.23 Also, United Utilities will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case by case basis by either by a building control professional or following a direct application to United Utilities. For further details see United Utilities website at <http://www.unitedutilities.com/builders-developers.aspx>). If you do not do this, you may not receive building control approval for your proposed extension which would have implications for you when you sell your house.

11.24 You will also need to carefully consider your landscaping proposals in the context of any utility assets. This is because the roots of trees can cause damage to water mains and sewers. For example, they can cause a blockage inside a sewer which then increases the likelihood of flooding to your house and your neighbours.

11.25 In some instances, your right to extend your property under permitted development rights may have been removed as a result of a water main or sewer being near to your house. This would have been done via a condition on the original grant of planning permission. You will need to check whether this is case in instances where there is a sewer or water main in the curtilage of your house.

House Extensions SPD - Comment made by: United Utilities

Summary of Comment: United Utilities notes paragraph 9.1 which states:

'New hard surfaces e.g. driveways or parking areas, should be designed to be in keeping with the character of the area. Where larger surfaces (greater than 5m² in area) are proposed, you must show that surface water will drain away within the site, rather than into the road or a public sewer. You should take care to minimise the extent of hard surfaces and retain/provide as much soft landscaping as possible.'

We would prefer this paragraph to state:

'Applicants are always encouraged to drain any new or replacement hardstanding to a permeable surface, such as gravel, permeable concrete block paving or porous asphalt. Any new hard surface should also direct rainwater to a lawn or border to drain naturally. If you do not do this and your hardsurface exceeds 5 square metres, you may be required to apply for planning permission.'

We also request that you explain why this is important. The following wording would be helpful which is largely extracted, save for some minor amendments, from page 6 of the guidance produced by central government on the permeable surfacing of front gardens.

'It is really important in Sefton that we do all we can to avoid rainwater connecting with existing drainage systems including the public sewer and highway drains. In most circumstances drains were built many years ago and were not designed to cope with increased rainfall. Paving front gardens further adds to the problem. Although paving over one or two gardens may not seem to make a difference, the combined effect of lots of people in a street or area doing this can increase the risk of flooding. This is increasingly important due to the impact of climate change which means we now get more frequent heavy rainfall.

The harm caused by paving gardens is not limited to just flooding. Hard surfaces such as concrete and asphalt collect pollution (oil, petrol, brake dust etc) that is washed off into the drains. Many drains carry rainwater directly to streams or rivers where the pollution damages wildlife and the wider environment. In other areas, including much of Sefton, the rainwater goes into a combined sewer which carries both foul and surface water which also takes household waste from bathrooms and kitchens to the sewage treatment works. These overflow into streams and rivers in heavy rainfall. As more water runs into these sewers from paved areas, there are more frequent overflows, passing untreated sewage into watercourses.'

You may consider this to be more appropriately included in a water management section which we propose below. If you choose to do this, we request that the Hardstanding section is cross referenced to the below recommended section on Water Management.

Response: Agree in part. Will add replace paragraph 9.1 as suggested.

Suggested Change to SPD:

Replace existing paragraph 9.1 as follows:

Applicants are always encouraged to drain any new or replacement hardstanding to a permeable surface, such as gravel, permeable concrete block paving or porous asphalt. Any new hard surface should also direct rainwater to a lawn or border to drain naturally. If you do not do this and your hardsurface exceeds 5 square metres, you may be required to apply for planning permission.

House Extensions SPD - Comment made by: United Utilities

Summary of Comment: United Utilities supports the inclusion of sustainable design requirements for residential extensions, in particular paragraph 11.19 (f) which advises applicants to consider installing a water butt to save money spent on watering the garden. Whilst we welcome the Sustainability Section of the draft SPD, we request that you include a specific section regarding Water Management. Given the critical challenge of climate change, and specific challenges you face in Sefton, it is extremely important that all new development manages surface water in a sustainable way.

Sustainable surface water management and the efficient use of water should be critical elements of the design and development process. Surface water should be managed as close to its source as possible. We therefore encourage you to include reference to managing surface water from extensions and new hardstanding via rainwater recycling, green roofs, soakaways (where ground conditions permit), via permeable hard surfaces, by directing rainwater to garden areas, the incorporation of rain gardens and water butts.

Improving water efficiency makes a valuable contribution to water reduction as well as carbon reductions noting that water and energy efficiency are linked. We also wish to note the associated societal benefits by helping to reduce customer bills. It is important that we do all we can to encourage householders to embrace water management measures. We therefore suggest that you include the following wording in your SPD.

'When designing your proposals, you should do all you can to ensure that rainfall is managed in the most sustainable way possible. Directing your rainfall to the public sewer is the least sustainable option and increases the likelihood of flooding whilst also increasing the impact on the environment. The importance of this is explained in the section on Hardstanding.

We would encourage you to consider how water can be re-used in the first instance. For example, via a grey water recycling system or inclusion of a water butt. Including a water butt can really help to reduce your water bill whilst also being great for the environment. You could also direct your water to your garden via a permeable surface which allows the water to drain into the ground. You may consider the creation of a rain garden. There is specific guidance on this at <https://raingardens.info/> where you will find a free guide on rain gardens that can be downloaded. When thinking about the rain that falls on your new extension and any associated hard surface you should consider:

- Re-using the water through grey water recycling or a water butt;*
- Whether your extension or outbuilding could include a green roof;*
- Directing the rainfall to a soakaway;*
- Using permeable surfaces; and*
- Directing the rainfall to your garden which could include the creation of a rain garden.*

Discharging rainfall to existing drainage systems, should only be considered after the above options have been discounted. Where discharge to an existing drainage system is necessary, you should discharge the rainfall to a watercourse / land drain first and then to a surface water sewer or highway drain. Discharge of rainfall to a combined sewer, i.e., one which drains rainfall and foul water is an absolute last resort. No rainfall should discharge to a foul only sewer.'

Response: Agree in part. Whilst the Council consider the level of detail proposed above to be too detailed for this SPD, we will cross refer to the Flood Risk Information Notes that we have produced, specifically the one that covers 'How residents and small businesses can manage and reduce surface water run-off and flood risk'.

Suggested Change to SPD:

Add to list at paragraph 11.19

Reduction of surface water run-off and flood risk (see the Council's [Information Note](#) on this)

House Extensions SPD - Comment made by: United Utilities

Summary of Comment: United Utilities supports paragraph 11.15 which seeks to protect existing mature trees and hedges. However, we wish to note the importance of any approach to planting new trees giving due consideration to the impact on utility services noting the implications that can arise as a result of planting too close to utility services. This can result in root ingress, which in turn increases the risk of drainage system failure and increases flood risk. We would be happy to provide further guidance on planting trees and the impact on our infrastructure. United Utilities is supportive of any approach to the planting of new trees and would encourage the council and householders to consider this in the context of flood risk management and opportunities to '*slow the flow*' of rainfall reflecting our wider comments relating to water management.

Response: Agree. Will include reference to this within the new paragraph 11.22

Suggested Change to SPD:

See suggested new paragraph 11.22 above

Affordable Housing SPD

Affordable Housing SPD - Comment made by: Green Pastures
Summary of Comment: Suggest you allow commuted sum as an option rather than AH on site only. Suggest AH could be built on another site instead of insisting they are accommodated on the development site. This becomes obvious when building more expensive homes and will prevent these types of developers building in Sefton. Don't force AH units to be scattered throughout the estate as this will stop some developers wanting to build in Sefton. Developers know what sells and AH housing next to private housing reduces their value no matter what is done to mitigate.
Response: Paragraph 11.1 of the SPD covers this issue: 'The overwhelming priority for the Council is to secure the provision of affordable housing on-site as part of larger housing schemes. However, in a limited number of exceptional circumstances the Council may accept either the affordable homes to be provided off-site or accept a financial contribution in lieu of on-site affordable housing. The applicant will have to clearly demonstrate why the provision of on-site affordable homes is not practicable or desirable. Developers must also be able to clearly demonstrate how an off-site financial contribution contributes to the objective of creating mixed and balanced communities.' There is no evidence that requiring Affordable Homes to be provided throughout a scheme has stopped developers building in Sefton and the Council will strongly resist any proposal to not provide affordable homes within a scheme in an attempt to maximise the values of the market homes.
Suggested Change to SPD: None

Affordable Housing SPD - Comment made by: Livv Housing Group
Summary of Comment: Impact of First Homes on Proposals up to 200 homes – The split of tenure for affordable housing is set out in 8.3. The tenure split gives a priority of First Homes as the route to affordable home ownership. On proposals up to 200 homes there is no scope or flexibility to include a shared ownership or rent to buy tenure. We would request this is reviewed to allow some flexibility on the routes to home ownership tenures. Both the Shared Ownership and Rent to Buy models allow a route to home ownership for residents with little or insufficient savings to fund deposits. As such we would want the opportunity to include Shared Ownership and Rent to Buy tenures on sites up to 200 homes to allow for a diversity of home ownership opportunities.
Response: Comment accepted. The proposed different approach on large (200+) schemes was to reflect the fact that on schemes on fewer this we secure very few affordable units. However, if RPs consider that securing just a handful of Shared Ownership homes on a site would cause no issues for them then we are happy to apply the same approach on all size sites. It should be noted that Sefton's policy doesn't fit neatly with government guidance on calculating the tenure split with the remaining 75% of affordable homes secured through a developer.

This is because we don't specify a % to be social rent – policy HC1 requires a % as social or affordable rent. Therefore, the approach below is a pragmatic solution to the issue.

Suggested Change to SPD: Para 8.3

Outside Bootle and Netherton

30% affordable homes - Split:

67% affordable or social rent

25% (minimum) First Homes

8% (maximum) other affordable home ownership homes

Bootle and Netherton

15% affordable homes - Split:

33% (minimum) affordable or social rent

25% (minimum) First Homes

42% (maximum) other affordable home ownership homes

Affordable Housing SPD - Comment made by: Livv Housing Group

Summary of Comment: Pepper Potting – We welcome the intention of Pepper Potting of affordable homes and would welcome early dialogue within the design process to ensure the location and grouping of affordable homes is workable from a management perspective. However we have some reservations on the practicalities of managing mixed tenures within flatted schemes. Our experience is to try to limit the size of flatted developments so that no more than 9 to 12 apartments are served from a circulation core at 3 storeys and to maintain a single tenure within each communal core. That said we support the recommendation in 10.10 for early dialogue and are open to discussions on how best to ensure we deliver social inclusion in a way that is manageable and supports the differing needs of our customer groups.

Response: Agree with the sentiments behind the comment. The Council will always advise applicants to speak to prospective RPs early on to ensure proposed affordable housing will meet their needs and paragraph 10.10 sets out that we advise early dialogue between housebuilders and RPS.

Suggested Change to SPD: None

Affordable Housing SPD - Comment made by: Livv Housing Group

Summary of Comment: Content of Section 106 Agreement – We would want to include a request to engage with Registered Providers at the drafting stage of any Section 106 to ensure the terms within agreements relating to the delivery of affordable homes are workable. In particular we would want to promote the inclusion the Mortgage Protection Clause promoted by the National Federation of Housing (<https://www.housing.org.uk/resources/examplestandard-mortgagee-protection-clause/>). This is an industry standard clause adopted across the country and enables us to secure finance against affordable properties that we can then use to invest in further affordable homes in the borough.

Response: The Council will always engage with developers on the content of a s106. Re the Mortgage Protection Clause, the Council’s legal team have reviewed this and have confirmed it is largely the same as our standard clause on the issue with the exception that we require 6 months in which the mortgagee must seek to dispose of as an affordable, and thereafter free to sell at market rate. The suggested clause uses 3 months. We consider 6 months is reasonable time and 3 months is too short so will continue with our current approach.

Suggested Change to SPD: None

Affordable Housing SPD - Comment made by: Melling Parish Council

Summary of Comment: The Affordable and Supported Housing SPD identifies that there is a need for further affordable housing in Molyneux ward but it refers only to Maghull/Aintree. Can it please be stated within the document whether it is considered that there is a shortfall of affordable housing within Melling itself, if so, is that shortfall contained within the numbers referred to in Maghull/Aintree, in which case please state in the SPD what portion of this shortfall exists in Melling; or is there an additional shortfall of affordable housing in Melling that is not currently referred to anywhere within this SPD, in which case please specify that shortfall within the SPD?

Response: The evidence on affordable housing is only available at the large settlement level. Melling (and Lydiate) is within the Maghull/Aintree area. This will be updated to refer to Sefton East

Suggested Change to SPD:

Change references to Maghull/Aintree to Sefton East, (in the table below 6.1 and in para 6.2).

Affordable Housing SPD - Comment made by: Plus Dane Housing

Summary of Comment:

At paragraph 10.9 the SPD highlights the requirement for affordable housing to be pepper potted throughout flatted schemes. Whilst we acknowledge the need for pepper potting across a development site and would be happy for flat blocks to be different tenures, it is neither suitable or practicable to have pepper potting through individual flat blocks for management purposes. From a sales perspective, it makes the property less desirable which will have a negative impact on demand. From a management perspective mixed tenure blocks can be challenging as behaviours can differ towards how the people live in the building. An example of this being the treatment of the internal communal areas. A customer who is liable for all costs associated with the maintenance and upkeep does respect the building more than if they do not pay towards the upkeep. From our perspective, we would be reluctant to take blocks which are mixed tenure and would have a strong preference for single tenure blocks.

As an active RP in Sefton, we would be happy to liaise with the developers in relation to our requirements. As a general principle amenity space must be located adjacent to the properties, and parking should preferably be located adjacent to the front or rear of properties.

Response: The Council accept that it would be often difficult to have a block of flats with a mix of tenures. However, the Council do not want this issue to result in large blocks of entirely affordable homes within a wider scheme of market housing. This would not accord with the aim for mixed communities. However, due to management purposes we accept there may be some justification to allow for blocks of flats with more than six units. However, we are unlikely to accept much more.

Suggested Change to SPD: Add to para 10.9; In some cases, it may not be feasible to have mixed tenure flats due to management purposes. In these cases the Council may accept slightly more than six affordable homes in a single block on a case-by-case basis. However, the Council will not accept all the affordable homes in large single block of flats on a scheme where the market homes are otherwise in dwellings.

Affordable Housing SPD - Comment made by:

Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: The Council's proposed tenure split is set out in Section 8 of the draft SPD.

It is acknowledged that the NPPF requires at least 10% of new homes to be available for Affordable Home Ownership (AHO) and that the PPG requires at least 25% of affordable dwellings to be available as First Homes.

The proposed split of affordable housing is set out in the tables that accompany para. 8.3 of the draft SPD. Outside Bootle and Netherton, proposals for up to 200 homes include all of the AHO dwellings as First Homes (33%), whereas for proposals for 200 homes or more, a minimum of 25% are required to comprise First Homes and a maximum of 8% as other AHO homes.

It is not clear from the evidence paper as to why there is a difference between the two sizes of schemes and therefore to improve flexibility, we recommend that the requirement for a minimum of 25% First Homes and a maximum of 8% other AHO homes should apply to all major residential schemes, regardless of size. This position is supported by the enclosed letter from Livv Housing Group.

This would allow for the inclusion of other tenures that are not limited to first-time buyers and would provide options for people who are already on the housing ladder, but need to move to a different size home, or to a different area and are finding that their needs are not met by the open market.

If the Council wishes to retain different criteria relating to scheme size, then it should be clear in the table which category a scheme for 200 dwellings would fall into. The wording of the first row should perhaps be changed to 'proposals for less than 200 homes'.

Response: Comment accepted. The proposed different approach on large (200+) schemes was to reflect the fact that on schemes on fewer this we secure very few affordable units. However, if RPs consider that securing just a handful of Shared Ownership homes on a site then we are happy to apply the same approach on all size sites. It should be noted that Sefton's policy doesn't fit neatly with government guidance on calculating the tenure split with the remaining 75% of affordable homes secured through a developer. This is because we don't specify a % to be social rent – policy HC1 requires a % as social or affordable rent. Therefore, the approach below is a pragmatic solution to the issue.

Suggested Change to SPD:

Para 8.3

Outside Bootle and Netherton

30% affordable homes - Split:

67% affordable or social rent

25% (minimum) First Homes

8% (maximum) other affordable home ownership homes

Bootle and Netherton

15% affordable homes - Split:

33% (minimum) affordable or social rent

25% (minimum) First Homes

42% (maximum) other affordable home ownership homes

Affordable Housing SPD - Comment made by: Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: The draft SPD seeks to implement a £160,000 price cap upon First Homes, rather than the standard national maximum of £250,000.

Para. 70-005-20210524 of PPG states that:

'Any local price caps should be determined through the plan-making process with regard to local income levels, related to local house prices and mortgage requirements.' [emphasis added]

We do not consider that a price cap should be implemented through the adoption of an SPD and that this would need to be undertaken through the plan-making process where it would be subject to testing and independent examination.

In addition to the above, the proposed figure of £160,000 is considered to be too low. Whilst it is less likely to affect the delivery of affordable housing in the south of the Borough given the lower house prices, the price cap could have implications in the north of the Borough.

Figure 3.2 of the JGC report includes an estimated open market value (OMV) for a 3-bedroom new build house of £240,000; however, given the age of the report, this figure is now expected to be higher. After applying the 30% discount, the value would be £168,000.

Applying a price cap of £160,000 in the northern areas could restrict the delivery of First Homes to 1-bedroom and 2-bedroom properties due to cost implications. If 3-bedroom First Homes are required, then this could impact on scheme viability and subsequently, the delivery of social and affordable rented housing.

It is therefore important that the imposition of a price cap is tested through the local plan process rather than an SPD, which would require it to be properly evidenced and an assessment of the potential effects on viability to be undertaken.

Response: The maximum sales cap was clearly demonstrated through the First Homes evidence report. The guidance on First Homes set out that 'any local price caps should be determined through the plan-making process with regard to local income levels, related to local house prices and mortgage requirements'. This does not specify a Local Plan so does not preclude being set in an SPD. It would not be feasible or sensible to set such a cap in a Local Plan in any case as these are updated so infrequently and any cap would quickly become out dated. However, it is accepted that data on income and house prices have moved on since that time. The Council are therefore proposing to amend the sales cap and link these to the size of the home.

Suggested Change to SPD:

At paragraph 4.5, change to:

Based on an assessment of local housing affordability the Council considers that the 30% discount is acceptable subject to a maximum price cap (for first sale only) of

- For a one or two-bedroom home –£160,000
- For a three-bedroom home - £180,000
- For a four+ bedroom home – apply the national cap of £250,000

Change paragraph 4.6

'...any discounted market sales housing will also be subject to a maximum price caps above.'

Affordable Housing SPD - Comment made by: Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: *Combined Annual Household Income*

One proposed requirement is that those applying (whether individuals, couples or group purchasers) must have a combined annual household income not exceeding £45,000 in the tax year immediately preceding the year of purchase. The national level for such homes is £80,000. We do not consider that the Council has provided sufficient evidence to justify this reduction and again maintain that this should be properly tested through the local plan process; however, we acknowledge that if a buyer cannot be found within three months, the criteria can be disapplied.

Response: The household income level was clearly demonstrated through the First Homes evidence report. However, it is accepted that data on income and house prices have moved on since that time. The Council are therefore proposing to increase the maximum household income level from £45,000 to £55,000.

Suggested Change to SPD: Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £55,000 in the tax year immediately preceding the year of purchase (local criteria – national level is £80,000). (para 5.4 second bullet point).

Affordable Housing SPD - Comment made by: Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: The fifth bullet after para. 5.4 of the draft SPD aims to restrict the size of a First Home that can be purchased based on the number of prospective occupiers. The draft SPD also confirms that the same criteria will apply to Discounted Market Value Homes. We consider this criteria to be overly restrictive and would impact on people's ability to purchase a suitable property to meet their current or future needs, such as including dedicated space to work from home. This is exacerbated by the fact that the Council will treat an upstairs study as a bedroom if it is over a certain size and therefore, people may need a larger number of bedrooms that the criteria would allow for. Para. 70-008-20210524 of the PPG includes examples of the types of local eligibility criteria that could be imposed by local authorities. These include lower income caps, a local connection test, employment status and key worker status. There is no mention in the PPG of restricting the size of home that can be purchased based on the number of occupiers and we therefore recommend that this criteria is removed.

Response: National guidance on First Homes (paragraph 008) sets out 'local authorities can apply eligibility criteria in addition to the national criteria. This **may** involve lower income caps (if this can be justified with reference to local average first-time buyer incomes), a local connection test, or criteria based on employment status' [our emphasis]. This does not state that other local eligibility criteria cannot be applied. The whole purpose of the First Homes tenure is to provide a home to households whose needs are not being met by the market. It is not intended to provide an opportunity for some households to purchase a larger home than they need at a discount. It must also be considered that any local criteria will only apply for a period of 3 months. We also consider the minimum number of occupants needed for house type is not very onerous. However, we do appreciate there may some limited occasions where a household may need an additional bedroom than the number of occupants would suggest. This could be if a household have shared custody of a child or someone has medical equipment that warrants the extra space. Therefore, we will allow for a case to be made for a household to purchase a larger First Home than the eligibility criteria would suggest

Suggested Change to SPD:

Add after the final bullet at para 5.4

The Council will consider a larger home than the household size would suggest if a case is clearly and robustly made that, due to specific household or family circumstances, a larger home is required.

Affordable Housing SPD - Comment made by: Homes Lancashire and Barratt & David Wilson Homes North West

Summary of Comment: The draft SPD seeks to supplement Part 8b of Local Plan Policy HC1 which relates to pepper-potting of affordable dwellings across a residential development which proposes market and affordable homes.

The current wording of the adopted Local Plan policy is:

'Affordable and/or special needs dwellings shall be:

'pepper-potted' i.e. there shall be a reasonable dispersal of affordable housing or special needs units within residential developments (i.e. groupings of no more than six units) to promote mixed communities and minimise social exclusion.'

Whilst our clients do not oppose the principle of pepper-potting affordable houses, they have concerns over pepper-potting within flatted schemes that form part of a larger development. In their experience, Registered Providers prefer to take whole blocks of flats, rather than managing a mixed-tenure block, and this is supported by the enclosed letters from Livv Housing Group and Plus Dane Housing. This position is also alluded to within the draft SPD.

We acknowledge that the SPD recommends liaising with Registered Providers at an early stage to determine what would be most appropriate, but we recommend that the SPD does not seek to prevent the inclusion of fully affordable blocks of flats as part of a larger scheme when this would be the most appropriate mechanism for the delivery of affordable flats.

Response: The Council accept that it would be often difficult to have a block of flats with a mix of tenures. However, the Council do not want this issue to result in large blocks of entirely affordable homes within a wider scheme of market housing. This would not accord with the aim for mixed communities. However, due to management purposes we accept there may be some justification to allow for blocks of flats with more than six units. However, we are unlikely to accept much more.

Suggested Change to SPD: Add to para 10.9; In some cases, it may not be feasible to have mixed tenure flats due to management purposes. ~~and~~ In these cases the Council may accept slightly more than six affordable homes in a single block on a case-by-case basis. However, the Council will not accept all the affordable homes in a large single block of flats ~~being affordable homes~~ on a scheme where the market homes are otherwise in dwellings.

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Paragraph 4.3 First Homes – Torus delivers affordable schemes which are usually a mix of affordable rent, shared ownership and rent to buy. We receive Homes England funding to support our delivery of these tenures. First Homes are not a funded product and we would not be in a position to deliver such units on Torus delivered sites.

Response: First Homes are the government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. This is not introduced through the SPD. This does not apply to 100% affordable housing schemes.

Suggested Change to SPD: None

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Para. 9.3- can you please clarify if affordable homes for sale can include shared ownership and rent to buy tenures.

Response: Yes, these are included in the Government’s definition of affordable home ownership homes

Suggested Change to SPD: The remainder of the homes on these schemes can still be affordable housing but must be affordable homes for sale, which could include First Homes, Shared Ownership Homes, Rent to Buy or other homes that provide an affordable route to home ownership.

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Para. 9.6 -need assurance that delivering 100% affordable schemes via a S106 would not impact on the ability to apply grant to the schemes

Response: The Council consider it necessary to secure all affordable housing approved to ensure that it meets the affordable housing needs of Sefton's residents. In previous meetings with Homes England, this has not been identified as a barrier for RPs to secure funding. However, on a case-by-case basis, the Council will consider agreeing to a s106 that provides flexibility on the proportion of the homes above the policy requirement required by Local Plan Policy HC1 (i.e. 85% of the homes in Bootle and Netherton and 70% elsewhere).

Suggested Change to SPD: New para 9.7 - We will work with registered providers, as applicants on funded schemes, to ensure that the content of the section 106 does not contradict funding requirements. On a case-by-case basis, the Council will consider some flexibility on the specific clauses that secure affordable housing and how they are applied on the portion of affordable homes provided in excess of the planning policy requirement (as set out in Local Plan Policy HC1 and this SPD). This will have to be justified by the affordable housing provider setting how those clauses would impact on the delivery of those affordable homes or any external funding.

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Para. 10.9- Pepper potted apartment blocks – we do not currently offer shared ownership or private sale apartments. This is due to the service charge and general leasehold management issues associated with private dwellings. Therefore, we could not deliver a mixed tenure block.

Response: The Council accept that it would be often difficult to have a block of flats with a mix of tenures. However, the Council do not want this issue to result in large blocks of entirely affordable homes within a wider scheme of market housing. This would not accord with the aim for mixed communities. However, due to management purposes we accept there may be some justification to allow for blocks of flats with more than six units. However, we are unlikely to accept much more.

Suggested Change to SPD: Change para 10.9 to; In some cases, it may not be feasible to have mixed tenure flats due to management purposes. ~~and In~~ these cases the Council may accept slightly more than six units in a single affordable homes on a case-by-case basis. However, the Council will not accept all the affordable homes in a large single block of flats being affordable homes on a scheme where the market homes are otherwise in dwellings.

Affordable Housing SPD - Comment made by: Torus Developments

Summary of Comment: Para. 17.5- Homes England definitions differ from those included in the document and the define these tenures as supported housing.

Response: This reference relates to how the Council will apply Part 6 of Policy HC1 of the Local Plan. This will be clarified. It is not intended to change the definition used by Homes England or any other organisation.

Suggested Change to SPD:

Change to para 17.5; Care homes and housing for older people (generally over 55s) ~~is~~ are not classed as ~~supported special needs~~ special needs housing (unless the residents are also classed as having specialist needs) for the purposes of Local Plan policy HC1 part 6. Therefore, they cannot be substituted for affordable housing. Paragraph 8.18 of the Local Plan sets out that housing for people with a physical disability, frail elderly people, young vulnerable people, people with a learning disability, a mental health problem or severe sensory disability does meet the criteria to reduce the amount of affordable housing on a scheme by 50%.

Contributions to Education Note

Contributions to Education Note - Comment made by: Resident
Summary of Comment: Strongly object to the removal of educational levies in Park Ward Sefton. The schools in this area are all currently FULL. How can you allow all of these new houses to be built bringing thousands more families with children that need to go to school and not enforce them to contribute to education costs? This will have a profound effect on our children's education and well being and I strongly object to this.
Response: There is no evidence that all the primary schools in the Lydiate area are full. Lydiate Primary in recent years has had spare capacity and has recently reduced its yearly intake, although the accommodation remains. The secondary schools in the wider Maghull area also have, in recent years, had plenty of spare capacity. Furthermore, there are no longer any major housing development designations to be consented in the Park Ward/Lydiate area, although some permitted schemes remain to be delivered/completed.
Suggested Change to Note: None

Other changes to Education Note

Update the fee per home to the 2023/24 rate of £2,344.00 to £2,595.00 (inflationary rise)

Social Value (Employment and Skill) from development SPD

No comments received.

Addition Section to Draft Conversions to Flats and Houses in Multiple Occupation SPD - Management Plans

No comments received.

Therefore, add this section unamended to the end of Section 4 to the Conversions to Flats and Houses in Multiple Occupation SPD

Management Plans

The Council will require the submission of a management plan as part of the planning application for an HMO. The agreed management plan will need to be adopted by the landlord, and the use of the property as an HMO implemented in accordance with the agreed details. The management plan will be expected to cover matters such as:

- The arrangements for the management and maintenance of all communal areas within the building.
- The arrangements for the management and maintenance of the garden/outdoor space within the curtilage of the property, which includes the maintenance of garden walls and fences
- How nuisance and annoyance to other occupiers of the house, or residents in neighbouring properties and the local area, is avoided, reduced by preventing anti-social behaviour from occupiers of and visitors to the property, and by effectively dealing with complaints made to the landlord directly or via the Council or Police. In this regard the Council's guide for landlords to managing anti-social behaviour - sefton landlord asb guide – should be considered. A contact should also be provided for the reporting of complaints.
- The keeping of records of complaints about antisocial behaviour which will be provided to the Council on request.
- The management proposals for the servicing and the storage, transfer and collection of waste ensuring that appropriate arrangements are made.
- Preventing the premises to be used by more tenants than the approved number
- Commitment to securing relevant licences as required by Sefton Council This will ensure that there is a visible statement provided as part of the planning application process that provides greater clarity / detail about the arrangements in terms of the management of the property.

This should not prove onerous for good landlords and will allow them to highlight good management practices. The implementation of the approved management plan will be secured by condition.