

Report of	Meeting	Date
Director of Planning and Property	Corporate, Performance and Budget Scrutiny Committee	Monday, 11 March 2024

Scrutiny Review of Building Better Homes and Neighbourhoods Update

Is this report confidential?	No
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Is this decision key?	Not applicable
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Purpose of the Report

- To present an update on progress made towards meeting the agreed recommendations following Scrutiny Committee's review of Building Better Homes and Neighbourhoods (Enhancing Housing Standards in South Ribble).

Recommendations

- That the contents of the report be noted.

Reasons for recommendations

- Officers were requested to report back on progress as part of the Scrutiny Committee's monitoring and tracking process.

Other options considered and rejected

- No options were considered.

Corporate priorities

- The report relates to the following corporate priorities:

An exemplary council	Healthy and happy communities
Opportunities for everyone	Green and clean neighbourhood

Background to the report

6. As part of the Scrutiny Committee's work programming, a task group was formed to review how it may be possible to build better homes and neighbourhoods in South Ribble.
7. The task group was made up of:
 - Councillor Michael Green (Chair)
 - Councillor Lou Jackson
 - Councillor Kath Unsworth
 - Councillor Karen Walton
8. The task group started its review in November 2022 and completed its work in March 2023. The final report from the Review was agreed by Scrutiny Committee on 20th March 2023.
9. The report was presented to Full Council on 17 May 2023, and it was agreed that the recommendations be considered by Cabinet for implementation.
10. The recommendations were considered by Cabinet on 5 July 2023, where the majority were agreed. The Cabinet response to the recommendations is attached at Appendix A. Councillor Flannery outlined the key objectives of the report and explained that although the majority of recommendations were accepted, Cabinet were unable to accept recommendations four and five as it was important to retain flexibility on Section 106 and CIL monies.

Update on progress

11. On 21 August 2023, a meeting was held between the Planning Manager accompanied by members of the Planning Policy team and the task group to provide an update on progress and ensure that the recommendations and the key drivers for the recommendations were fully understood by officers.
12. Good progress has been made against many of the recommendations, although it is acknowledged that there are some areas where desired outcomes cannot be delivered at the current time. This was explained to the task group.
13. The table below indicates progress against each of the actions. Where the recommendation has not been fully actioned, an explanation is provided.

Scrutiny Review Recommendation	Recommendation Accepted Yes / No	Comments and Timeline for Implementation
1. The Council develop a "charter" accreditation scheme which would outline the standards and conduct expected of developers when building in South Ribble. The document would also emphasise the need for a single point of	Yes	A meeting was held with the Task Group to help officers fully understand the Committee's ambitions for a Design Code / Charter and to discuss particular areas of focus. It was highlighted that design policies will form part of the new Central Lancashire Local Plan and that any design code or charter should follow on

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<p>contact for Members, Officers and Residents.</p>		<p>after adoption of the new Local Plan, which will set the framework to guide future residential development in the Borough and raise standards of design.</p> <p>Good progress has already been made in drafting the design policies. This work is being led by Preston City Council's Urban Design Officer with input from the planning teams at both South Ribble and Chorley.</p> <p>It is intended that a revised Local Development Scheme, setting out the intended timescale for the Local Plan will be presented to Council in March, with the intention to submit the Local Plan for Examination by June 2025. Work on a design code/charter would begin once the Plan is adopted.</p>
<p>2. As part of the review of the Local Plan consideration is given to the Council's commitment to be Carbon Neutral by 2030 and it is suggested that the Local Plan requests all new dwellings to be Carbon Neutral by the implementation of the plan and not 2030.</p>	<p>Yes</p>	<p>Officers acknowledge the importance of addressing climate change and have reflected the Council's ambitions in the discussions about policy development which have taken place as part of the preparation of the Central Lancashire Local Plan.</p> <p>Local Plans must take account of National Planning Policy and Ministerial Statements in this regard. A Statement made on 13th December 2023, by the Minister of State for Housing refers directly to this issue stating that Local Plan policies should align with Building Regulations. https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123</p> <p>The statement must be given due consideration in the preparation of the climate change policies</p>

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		which will form a key part of the Central Lancashire Local Plan.
<p>3. The Scrutiny Review Task Group will submit a consultation response to the Central Lancashire Local Plan Team referring to the following issues:</p> <ul style="list-style-type: none"> a) Improving green links and active travel, with emphasis placed upon improving public transport provision. b) Minimum requirements for public open space c) Shift in language on policy from passive, for example “you should” to more assertive, for example “you must” <p>Consideration be given to the Council developing their own extensive portfolio of house styles to include minimum standards, dwelling and room size and environmentally friendly features. This would be available for developers to select from when designing their development in South Ribble.</p>	Yes	<p>The issues raised by the Scrutiny Review Task Group have been highlighted in discussions about policy development which have taken place as part of the preparation of the Local Plan. The Plan will seek to improve green and blue infrastructure, encourage active travel and sustainable neighbourhoods and identify standards for public open space. Consideration will be given to other matters raised.</p> <p>Work is underway in drafting the relevant policies.</p> <p>There will be further opportunities for the Task Group to express their views on proposed policies as part of the plan-making process.</p>
<p>6. The Council uses its influence with the Local Government Association and other bodies to lobby the Government to change legislation in</p>	Yes	<p>We will continue to pursue this point in appropriate forums when opportunities arise. However, the NPPF was revised in December 2023 and included wide-ranging changes</p>

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<p>relation to statutory comments on planning applications. In particular, the term “severe” which limits the Highways Authority in how they can respond to Planning Applications.</p>		<p>particularly in relation to the plan-making process. Paragraph 115 still reads as follows: <i>“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”</i>. Unfortunately, there was no opportunity for officers to highlight Members’ concerns in the consultation which preceded the revised NPPF, as this section was not within the scope of the consultation topics.</p>
<p>7. Mandatory conditions need to be placed on all planning consents to reduce the potential impact of development on residents during the construction phase. These would include permitted construction hours, access and a requirement to keep the area around the development clean and free from mud and debris.</p>	Yes	<p>This has been actioned where a development has the potential to have a significant impact on either residential amenity or highway safety, a construction management plan is required which controls the matters referred to by the Task Group. However, it is not possible to impose a mandatory condition regarding construction management on all applications for planning permission as planning conditions must meet the tests for conditions.</p>
<p>8. Building Control should be included on the list of consultees for the Local Plan.</p>	Yes	<p>This has been actioned.</p>
<p>9. Members would like to see increased engagement between Planning and Building Control which would enable both services to work more effectively together.</p>	Yes	<p>Planning staff have been involved in training Building Control support officers and closer working relationships have been established with the Planning and Building Control technical teams. Building Control has moved to a shared service and is currently recruiting. Once the Building Control service is fully staffed, it is intended that using the Council’s Building Control Service will be promoted in responses to pre-application planning enquiries.</p>

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10. A review of the risk assessments for Enforcement Officers, with body cameras offered to those officers who are public facing and could face threats or harassment.	Yes	This has been actioned and body cameras ordered. Appropriate training in the use of the cameras has been identified.
11. Highways and Enforcement are included as individual Member Learning Sessions on the Member Development Programme for 2023/24.	Yes	This has been actioned. The Highways training session has been delivered and the Enforcement session is scheduled for April.

Climate change and air quality

14. The work noted in this report does not impact the climate change and sustainability targets of the Council's Green Agenda and all environmental considerations are in place.

Equality and diversity

15. There are no equality or diversity implications immediately arising from this report.

Risk

16. There are no risks identified with any of the information in this report.

Comments of the Statutory Finance Officer

17. There are no direct financial implications arising from this report.

Comments of the Monitoring Officer

18. The report is for noting and discussion. There are no direct legal implications arising.

Background documents

There are no background papers to this report.

Appendices

Appendix A – Cabinet response to Scrutiny Review Recommendations

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Appendix A

Scrutiny Review Recommendation	Recommendation Accepted Yes / No	Comments and Timeline for Implementation
<p>1. The Council develop a “charter” accreditation scheme which would outline the standards and conduct expected of developers when building in South Ribble. The document would also emphasise the need for a single point of contact for Members, Officers and Residents.</p>	<p>Yes</p>	<p>Positive step forward for information being provided to developers to help to facilitate quality schemes to South Ribble, noting that it would not be planning policy within the Local plan, and as such would have no policy basis.</p> <p>Single point of contact could be facilitated in the Planning Team so everyone knows who to approach; likely to be within the planning policy team.</p> <p>The document would need to be ‘scoped’ out over a period of time, to allow proper consultation and engagement with developers, members, public and officers alike. Likely timescale 12 months to produce the scope. Then we would need to consider how to draft the work, and again follow on with consultation. Further 12 months to produce the final draft. Positive idea, but needs scoping and progressing, with clarity on its status in consideration of planning applications.</p>
<p>2. As part of the review of the Local Plan consideration is given to the Council’s commitment to be Carbon Neutral by 2030 and it is suggested that the Local Plan requests all new dwellings to be Carbon Neutral by the implementation of the plan and not 2030.</p>	<p>Yes</p>	<p>Positive idea- ‘Net Zero’ could be set as a target for developers, the terms are often used interchangeably and ‘Net Zero’ can be easier /more achievable. Details of how this again needs to be considered; does it apply to all developments or the larger scale ones for example? (The bigger the development, the bigger the impact and the smaller developments are</p>

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		sometimes more boarder line viability wise). The emerging Local Plan will have requirements for carbon reduction set within it, in line with government policy. This additional document is likely to be in excess of that and would be an additional target for developers in South Ribble.
<p>3. The Scrutiny Review Task Group will submit a consultation response to the Central Lancashire Local Plan Team referring to the following issues:</p> <p>d) Improving green links and active travel, with emphasis placed upon improving public transport provision</p> <p>e) Minimum requirements for public open space</p> <p>f) Shift in language on policy from passive, for example “you should” to more assertive, for example “you must”</p> <p>g) • Consideration be given to the Council developing their own extensive portfolio of house styles to include minimum standards, dwelling and room size and environmentally friendly features. This would be available for developers to select from when designing their development in South Ribble.</p>	Yes	<p>Officers can work with the Scrutiny Task Group to submit a consultation response to the Local Plan team. The current consultation period has ended, but this can be picked up when the Central Lancashire Local Plan is out for the next consultation.</p> <p>South Ribble can scope out a portfolio of house styles etc- this would need to be in line with the Central Lancashire Design Guide which is already in place (2012) and the emerging policies in the Local Plan. This may require consultant input and it must be done carefully to ensure that the advice is relevant / appropriate to the Borough.</p>
<p>4. Planning Officers should endeavour to ensure that Section 106 and CIL agreements are written in such a way to ensure that funding should be spent within the locality, or surrounding</p>	No	<p>There is a risk involved with tying some S106 receipts closely to the immediate area/locality in which they are generated. If there is not a project</p>

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<p>areas of the development. In situations where this is not achievable the funds should be used towards borough wide initiatives.</p>		<p>available in that locality in the timeframe, then the money could be lost as developers are allowed to claim it back after a certain period.</p> <p>This particularly affects affordable housing receipts. It is considered important to retain flexibility on these receipts in line with this. Other receipts such as public open space contributions, can be more controlled and officers work closely with the parks department to find a suitable solution-again tying them too tightly in the wording of the S106 can affect the ability to spend that money- and sometimes these receipts can go to bigger projects which benefit more residents as a result.</p> <p>CIL monies are covered in the section below.</p>
<p>5. In a non-parished area, the relevant Neighbourhood Community Hub should be given 15% of the CIL funding to be spent as close as possible to the development, where this is not possible it should be spent within the vicinity.</p>	No	<p>CIL spend is controlled by the legislation. This allows 15% to go to parished areas and 25% to a parished area with a 'Neighbourhood Development Plan' and where all or part of the development is granted planning permission by a Neighbourhood Development Order (15 or 25% dependant on which part of the Town and Country Planning Act it was made under. The allocated sites in the City Deal list and some windfall sites give all their monies to City Deal.</p> <p>In non parished areas, communities can still benefit from the 15%. The</p>

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		<p>council would retain the levy receipts and can engage with communities where development as taken place and agree with them how best to spend the neighbourhood funding. The council will need to set out clearly how they engage with communities and the use of funds should match priorities expressed by local communities, including priorities set out formally in neighbourhood plans. As such it is not possible to just pass the 15% across to 'Neighbourhood Community Hubs' automatically, although following active engagement with the community this may be the way forward.</p>
<p>6. The Council uses its influence with the Local Government Association and other bodies to lobby the Government to change legislation in relation to statutory comments on planning applications. In particular, the term "severe" which limits the Highways Authority in how they can respond to Planning Applications.</p>	<p>Yes</p>	<p>This matter can be actioned.</p>
<p>7. Mandatory conditions need to be placed on all planning consents to reduce the potential impact of development on residents during the construction phase. These would include permitted construction hours, access and a requirement to keep the area around the development clean and free from mud and debris.</p>	<p>Yes</p>	<p>This matter can be actioned in principle. It will be necessary to consider the scale of development, as all conditions have to meet the test set out in the NPPF; these are that they are</p> <ul style="list-style-type: none"> • Necessary • Relevant to planning • Relevant to the development to be permitted enforceable,

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		<ul style="list-style-type: none"> • precise and • reasonable in all other aspects. <p>For example, it may not be reasonable for a smaller builder to hire wheel washing equipment or dampening down machines for their scale of development.</p> <p>We can work with Environmental Health and Highways to ensure we have a coordinated approach which meets these tests.</p>
8. Building Control should be included on the list of consultees for the Local Plan.	Yes	Can be actioned
9. Members would like to see increased engagement between Planning and Building Control which would enable both services to work more effectively together.	Yes	This does occur within the department already, Planning can work with Building Control to see where this would be beneficial.
10. A review of the risk assessments for Enforcement Officers, with body cameras offered to those officers who are public facing and could face threats or harassment.	Yes	This can be actioned
11. Highways and Enforcement are included as individual Member Learning Sessions on the Member Development Programme for 2023/24.	Yes	This can be actioned and could be really helpful for training members.