

## Houses in Multiple Occupation and Small Flats SPD:

### Schedule of Representations Received and Recommended Responses - Appendix B to Executive Report, 6 April 2022

Please note: The comments received, and the recommended responses do not take account of the proposed changes set out in the government's White Paper: 'Planning for the Future - August 2020'

Comment Ref.	Consultee	SPD Ref.	Comments/Key Issues raised	Recommended Response
1	National Highways	General	There are no comments we feel we need to make.	Noted
2	Historic England	General	<p>Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media, and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners, and communities to help ensure our historic environment is properly understood, enjoyed, and cared for.</p> <p>We would encourage you to consider the historic environment in the production of your SPD. We recommend that you seek advice from the local authority conservation officer and from the appropriate archaeological staff. They are best placed to provide information on the historic environment, advise on local historic environment issues and priorities, indicate how heritage assets may be affected and identify opportunities for securing wider benefits through the conservation and enhancement of the historic environment.</p>	Noted. The Council's Principal Planner with responsibilities for Heritage and Design has been involved in the drafting and amending of the SPD.
3	Lancashire County Council	General	Lancashire County Council is the Lead Local Flood Authority (LLFA) for the County Council's administrative area. The Flood and Water Management Act (FWMA) sets out the requirement for the LLFA to manage 'local' flood risk (flooding from surface water, groundwater, and ordinary watercourses) within their area.	Noted

			The Lead Local Flood Authority has issued the Local Planning Authority with 'LLFA Standing Advice for Minor Developments' and it is strongly advised this is applied during the processing of all minor development applications.	
4	Lancashire County Council	Section 5.19 Flood Risk	<p>Section 5.19 includes a small section relating to flood risk but does not correctly set out the requirements under the NPPF that trigger the need for a site-specific flood risk assessment. This should be written as follows:</p> <p>A site-specific flood risk assessment may be required when developing or carrying out a change of use to a HMO, particularly where this may increase the risk to occupants, for example, through the creation of sleeping accommodation on the ground floor. A site-specific flood risk assessment must be submitted where required under paragraph 167 of the NPPF (footnote 55), including for all developments in flood zones 2 and 3, or where development will result in a change to a more vulnerable use, for example, offices to residential dwellings, where the land may be subject to flooding from any source, including fluvial, surface water, groundwater, reservoirs and canals. The vulnerability of a development is listed in table 2 of the flood risk and coastal change planning practice guidance (PPG). In line with Local Plan Policy CC4, the Council will seek to ensure that development does not result in increased flood risk and where necessary, that mitigation is included to protect occupiers.</p> <p>An increase in the vulnerability of the development may mean further mitigation measures are required to protect the occupants against flooding. This may require property flood resilience measures to be fitted. Further advice on this is available on the Flood Hub (<a href="https://thefloodhub.co.uk/">https://thefloodhub.co.uk/</a>)</p>	<p>Separate sections on the considerations for HMOs and flats in the draft SPD have now been merged into a single Section 4. Flood risk is addressed at Section 4.5</p> <p>Requirements for Site Specific Flood Risk Assessments are set out in Local Plan Policy CC4.</p> <p>The text of the SPD has been updated to add reference to the amended NPPF policy wording now set out in its footnote 55 and to explain that even where a formal Site Specific Flood Risk Assessment (SSFRA) is not triggered, in order to satisfy the requirements of Policy CC4, the Council will seek to ensure that development does not result in increased flood risk and where necessary, that mitigation is included to protect occupiers.</p> <p>Links to the national guidance for applicants on flood risk and undertaking SSFRAs has been added, as has a link to the North West Flood Hub.</p>
5	Lancashire County Council	Omission: Sustainable Drainage Systems	The SPD contains no reference to sustainable drainage systems (SuDS). A section on SuDS should be added to ensure developments satisfy the requirements of the NPPF (Paragraphs 167 and 169) and Policy CC5 of Burnley's Local Plan. This should be written as follows: Under Paragraph	Local Plan Policy CC5 3) states that in respect of major developments SuDs will be required, and that these should be designed in line with Plan, Ciria SuDS Manual C753 (2015, or any future replacement. This

			<p>167 of the NPPF, development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate.</p> <p>These should be designed in line with policy CC5 of Burnley's Local Plan, Ciria SuDS Manual C753 (2015, or any future replacement), and paragraphs 167 and 169 of the NPPF and the PPG. In line with paragraph 169 of the NPPF, these systems should have appropriate minimum operation standards in line with the Defra Technical Standards for Sustainable Drainage Systems (or any future replacement), have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development and provide multifunctional benefits.</p> <p>For example, development of HMOs and small flats, including the conversion of existing buildings, should incorporate SuDS components such as rainwater harvesting, green roofs and walls, permeable paving and geocellular storage. These can be retrofitted when carrying out alterations to any hardstanding areas or buildings. It is also important that existing permeable surfacing should be retained, and due consideration given to securing this for the lifetime of the development e.g., through removal of permitted development rights, covenant etc. Permeable paving must be used if converting existing permeable surface to hardstanding areas, as replacing permeable surface with impermeable surface over time will result in increased runoff and flood risk.</p>	<p>policy is consistent with new* national policy in Paragraph 167 of the NPPF 2021 which, states that <u>major</u> developments should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. It is also consistent with the guidance in the NPPG.</p> <p>The SPD focuses on conversions and changes of use where in most instances, these are not major development and full SuDS compliance is neither necessary or practical.</p> <p>However, reference to SuDS and Policy CC5 3) has been added to Section 4.5 and further text has been added to state:</p> <p><i>“Whilst SuDS schemes are only required for major development and are normally only relevant to new build schemes, elements of them can be incorporated into non-major applications and schemes of conversions and changes of use such as to HMOs and developments of less than 10 small flats. This will be particularly relevant where the development would otherwise increase surface water run-off through for example increased paving of garden areas to provide bin storage or car parking.</i></p> <p><i>The judgement what sort of sustainable drainage system is necessary and reasonably practicable should be informed by reference to the technical standards published by the Department for Environment, Food and Rural Affairs and take into account design and construction costs.”</i></p>
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6	Environment Agency	Section 5.19 Flood Risk	<p>We are pleased to see that flood risk is included in section 5 as an issue for consideration against HMOs. However, we would advise that the LPA expands this, and also includes consideration of flood risk for flats, given that both types of residential development are particularly vulnerable to flooding where habitable accommodation is included at basement and/or ground floor levels. Providing additional guidance would help to prevent the inappropriate planning proposals coming forward for HMOs and flats that would be at risk of flooding.</p> <p>It should be made clear that basement dwellings are classed as ‘highly vulnerable’ to flooding, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance (PPG): Flood Risk and Coastal Change. Tables 1 and 3 of PPG (Flood Risk and Coastal Change) make it clear that ‘highly vulnerable’ development is incompatible with Flood Zone 3 and should not be permitted.</p> <p>We would recommend that LPA considers including in the SPD that ‘more vulnerable’ HMOs, with sleeping accommodation on the ground floor, and self-contained ground floor flats, would be unlikely to be granted planning permission where internal flooding remains in a 1% annual probability design flood, plus an allowance for climate change, unless robust additional flood resistance and resilience measures are confirmed, together with the identification of a safe refuge above the flood level and the provision of a flood warning and emergency response plan.</p>	<p>Separate sections on the considerations for HMOs and flats in the draft SPD have now been merged into a single Section 4.</p> <p>Flood risk is addressed at Section 4.5 and additional text has been to reflect the NPPG guidance in relation to basement dwellings in Zone 3; and also to include the EA’s recommendation in relation to sleeping accommodation in a basement or sleeping accommodation on the ground floor.</p>
7	Cadent Gas	General	<p>Following a review of the SPDs at the above link, please can I have a contact to discuss the high-level plans being proposed and how Gas supply in particular has been considered?</p> <p>It would be prudent for any new proposed builds, conversions/changes of use to existing structures/supplies to be reviewed from a network perspective, if new gas supplies or changes to demand are expected.</p>	Noted. Contact has been made with Cadent Gas for further discussions. No changes proposed as a result.

			<p>Although we have a dedicated connections team to review individual cases, larger scale developments are shared in this manner with ourselves - so again a contact to discuss the proposals would be useful. Visibility of your energy plan for these proposed changes may prompt us to reserve / model or make the capacity available, with a view to avoiding/reducing lead times for any potential reinforcements required to the gas network to facilitate growth etc.</p> <p>It may also be useful to look at the current supply/service to these buildings as they may be in a future programme for replacement to plastic if they are currently metallic.</p>	
8	Homes England	General	<p>Homes England is the government's housing accelerator. We have the appetite, influence, expertise, and resources to drive positive market change. By releasing more land to developers who want to make a difference, we're making possible the new homes England needs, helping to improve neighbourhoods and grow communities.</p> <p>Homes England does not wish to make any representations on the above consultation. We will however continue to engage with you as appropriate.</p>	Noted.