

COUNCIL:

20 OCTOBER 2016

CABINET PROPOSAL

SUPPLEMENTARY PLANNING GUIDANCE

Reason for this Report

1. To advise on the outcome of consultation on the following draft Supplementary Planning Guidance (SPG) which help to deliver the Liveable City agenda, bring about positive improvements to neighbourhoods, and to recommend their approval, as amended, by the Council:
 - Houses in Multiple Occupation
 - Waste Collection and Storage Facilities

Background

2. The Council has a number of SPGs which were prepared to supplement the policies contained in previous adopted plans. In order to ensure conformity with the recently adopted Cardiff Local Development Plan (LDP) policies, a review of these is underway and a programme of SPG to support and amplify the policies in the LDP is currently being produced. These SPG's are the first tranche of this programme and further tranches will be brought before Cabinet and Council in next 12 months.
3. Welsh Government guidance encourages local planning authorities to prepare SPG to provide advice on how LDP policies will be implemented. This should help those involved in the development and planning process understand the purpose and objectives of policies and assist the submission of permissible planning applications.
4. SPG must be consistent with planning legislation, Welsh Government guidance and the LDP. It should be prepared in consultation with the public and appropriate interests, and their views should be taken into account before formal Council approval. SPG may be given weight as a material consideration when making decisions on planning applications.
5. In May and June 2016 consultation was undertaken for six weeks on the SPGs is in line with the LDP Community Involvement Scheme. Consultation included the following:

- A 6 weeks public consultation period
 - A public notice in the local press to notify anyone with an interest
 - Copies of the documents were made available to view in all Cardiff Libraries, County Hall and on the Council website.
6. In addition to this Councillors were notified about the current SPG consultation and an email/letter notification was sent out to consultees on the SPG Consultation List – this list included the formal LDP consultees and anyone else who has requested to be kept informed of SPG consultations, including businesses, interested groups and individuals. Each of the SPG appended to this report contains appendices outlining the specific consultation undertaken, a summary of the representations submitted and the changes made in response.
 7. Most of the comments received were minor and technical in nature and a summary of the content of each of the SPG's together with a summary of any significant comments received and any proposed changes is included below:

Houses in Multiple Occupation SPG

8. The SPG seeks to outline the council's position on the growth of Houses of Multiple Occupation (HMO) and establish how the authority would like to manage future developments in order to retain balanced communities and a high standard of development
9. The authority recognises the vital role played by HMOs in contributing towards the housing mix within the city. However, the absence of planning guidance on HMOs can and has led to concentrations of HMOs in certain areas which the council feels can lead to negative consequences. The SPG seeks to address this in the future.
10. The SPG went to public consultation in May 2016. A wide range and variety of comments were received, some of these were replicated by different consultees, but around 30 distinct comments were received. These will be addressed within an appendix in the SPG. Of the comments, a number will lead to changes within the final SPG. These are relatively minor and do not alter the main thrust of the SPG.
11. A number of changes were considered which would have potentially led to loopholes that in practice would have allowed continued development, further reducing the balance of family homes within certain communities. These changes were not acted upon, instead the prospect for a future review if deemed necessary was included in the SPG. This would further consider the concerns raised in the consultation and assess the impact of the SPG.

Waste Collection and Storage Facilities SPG

12. The Waste SPG outlines the minimum requirements for waste storage, collection and presentation for all new developments (commercial and domestic).

13. The current SPG was written in March 2007 and is now out of date with the current waste collection methods and the storage requirements for new developments. The SPG has therefore been updated to reflect the current needs of the residents, developers and Waste Management.
14. The main changes are as follows:
 - Updated storage requirements for all residential dwellings based on the recent collection changes, particularly the sizes of residual waste bins required. The new SPG references the recently rolled-out 140 litre bins and the separate food waste storage requirements, as introduced in 2011.
 - The bin provision for flats have been altered, to coincide with the waste restrictions for houses (140L residual waste per flat). The previous SPG only referenced the waste storage requirements for 1 or 2 bed flats, causing confusion for developers of larger flats.
 - This new SPG makes direct reference to houses converted to flats, and the requirement for waste to be storage in an external area. It is no longer acceptable for waste to be stored in cupboards or rooms within the flat between collections.
 - A designated storage area for bulky waste is required for all purpose built flat developments
 - Identification of the equality considerations for new dwellings (i.e. bins must be within 25m of collection vehicle to enable the Council to offer the Assisted Lift Service to all new properties)
 - Specifies that where possible, all waste should be stored at the rear of properties. If not, storage at the front will require screening from the highway (artificial or natural).
 - Instructions for the best practice for developers, once construction has been completed (covers how to organise the purchase of bins from Waste Management)
 - The waste requirement for commercial units remains unchanged.
15. Comments were received from Councillors during the consultation period. Appendix 6 shows all the responses submitted by Councillors and the reasons why actions were not required.
16. As a summary, the two Councillor responses were very supportive of the proposed update for the Waste SPG, particularly the new requirement for external waste storage for converted flats.
17. The main significant criticism was the allowance of bins to be stored at the front of residential properties. The SPG stipulates that the storage of waste at the front of new developments is not preferable and should be used as a last resort (see paragraph 6.2). It is not possible to expect all developments to avoid waste storage at the front of properties, due to the nature of some developments (i.e. terraced housing), where it is not possible or practical for waste to be stored anywhere other than the front. Waste Management feel it is acceptable to allow waste storage at the front, as a last resort, and where screening is provided (as shown in

images on Page 18 and under paragraph 6.2 within the proposed SPG). Therefore, no action was taken to this consultation response.

Reason for the Recommendation

18. To comply with Welsh Government guidance on the process for preparing Supplementary Planning Guidance.

Legal Implications

- 19 The Cardiff Local Development Plan (LDP) was adopted on 28 January 2016 and contains policies and proposals which provide the basis for deciding planning applications. The policies in the adopted Cardiff LDP have special status under section 38(6) of the Planning and Compulsory Purchase Act 2004 which means that planning decisions must be taken in accordance with it unless material considerations indicate otherwise.
- 20 Whilst the LDP contains policies and proposals which provide the basis for deciding planning applications supplementary planning guidance (SPG) can be used as a means of setting out more detailed guidance on the way in which those policies will be applied in particular circumstances or areas. SPG may be taken into account as a material consideration when determining planning applications.
- 21 In order for a SPG to be given as much weight as possible as a material consideration it must be formulated, prepared and adopted in the proper manner. The Houses in Multiple Occupation SPG (HMO) and Waste Collection and Storage Facilities SPG have been subject to public consultation and where appropriate amendments have been made to reflect the comments received.
Powers and Duties
- 22 The Council has a duty to seek to continually improve in the exercise of its functions (which includes where appropriate powers) in terms of inter alia strategic effectiveness, service quality and availability , sustainability, efficiency and innovation pursuant to the Local Government (Wales) Measure 2009.
- 23 Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).
24. In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: (a) Age, (b) Gender reassignment (c) Sex (d) Race – including ethnic or national origin, colour or nationality, (e)

Disability,(f) Pregnancy and maternity (g) Marriage and civil partnership,(h) sexual orientation (i) Religion or belief – including lack of belief

- 25 The LDP was subjected to an Equalities Impact Assessment. The SPGs supplement and provide guidance on the policies which were prepared within this framework.

Financial Implications

26. No direct financial implications are expected to arise for the Council following the approval of the specific Supplementary Planning Guidance included in this report.

CABINET PROPOSAL

Council is recommended to approve the Houses in Multiple Occupation and Waste Collection and Storage Facilities Supplementary Planning.

THE CABINET

28 September 2016

The following Appendices are attached:

Appendix 1 - Supplementary Planning Guidance: Houses in Multiple Occupations

Appendix 2 - Supplementary Planning Guidance: Waste Collection and Storage Facilities