

SUPPLEMENTARY PLANNING GUIDANCE

REPORT OF DIRECTOR OF CITY OPERATIONS

AGENDA ITEM: 9

**PORTFOLIO: TRANSPORT, PLANNING AND SUSTAINABILITY
(COUNCILLOR RAMESH PATEL)**

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:
 - Locating Waste Management Facilities (Appendix A)
 - Planning Obligations (Appendix B)
 - Residential Design Guide (Appendix C)
 - Tall Buildings (Appendix D)

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 second 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 September and October 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:

Locating Waste Management Facilities

8. The SPG provides further information on the waste policies contained within the LDP. In particular, it will assist potential applicants in identifying locations which will be acceptable, in principle, for waste facilities. It encourages waste management facilities to be located in existing or allocated general industrial areas, unless it can be shown that they could be acceptably located elsewhere. It also contains detailed guidance on specific requirements for differing types of waste proposals, environmental considerations and likely mitigating measures which may be imposed. It lists the detailed information which should accompany planning applications for waste proposals in order for the proposals to be adequately assessed.
9. No consultation responses were received in response to the public consultation exercise, so no changes were made as a result. Minor amendments were made to the references in the 'Local Policy' section.

Planning Obligations

10. This is a new SPG, which sets out the Council's approach to planning obligations when considering applications for development in Cardiff. It provides further guidance on how the relevant policies set out in the Cardiff Local Development Plan are to be implemented and will assist in securing the provision of sustainable development across the city.

11. Historically, planning obligations have been identified within separate topic based SPG's, which meant that an applicant may have to review up to a dozen separate documents to identify the circumstances in which need for infrastructure provision and / or site specific mitigation may arise as a result of their proposed development.
12. The aim of this SPG is to provide greater clarity to developers, agents and other stakeholders regarding the basis on which planning obligations will be sought, by drawing all of this information together into one document. It supplements Policies KP6 (New Infrastructure) and KP7 (Planning Obligations) of the LDP and:
 - Sets out Cardiff's approach to securing infrastructure provision and environmental improvements through planning obligations,
 - Clarifies the relationship between planning obligations and the Community Infrastructure Levy (CIL),
 - Provides guidance on the type and nature of planning obligations sought and the basis for contributions,
 - Will enable the consideration of infrastructure matters at the earliest possible stage in the development process.
13. Representations were received from ten consultees, providing around sixty-five individual comments. These representations are identified at appendices of the Planning Obligations SPG, together with associated responses and, where relevant, details of associated amendments that have been made to the document. In summary these include / relate to:
 - Introductory chapter of the SPG amended to clarify that planning obligations will be sought where the need arises as a result of a proposed development,
 - Clarification provided that upon adoption of a Community Infrastructure Levy (CIL), items contained on a R123 List would not be sought through S106 Planning Obligations,
 - Minor amendments made to Affordable Housing, Transportation / Highways, Open Space, Schools / Education, Community Facilities and Primary Healthcare Facilities chapters, reflecting comments raised and / or to provide further clarification on specific issues.
 - Local Training and Employment: Clarification of circumstances where contributions towards bringing forward compensatory employment opportunities would be sought.
 - District Heating and Sustainable Energy: Confirmation that further guidance relating to the content of Renewable Energy Assessments will be provided through the forthcoming Cardiff Renewable Energy Assessments SPG.
 - Biodiversity, Tree Protection and Sustainable Urban Drainage: Comment raised that these chapters contain more information that is relevant to Planning Obligations and should be scaled back. These chapters have been retained in their original format as it is considered that this will help enable the consideration of infrastructure matters at the earliest possible stage in the development process.

14. All of the amendments made to the SPG are relatively minor in nature and do not alter the main thrust of the document.

Annual document updates.

15. Within the Planning Obligations SPG, certain chapters contain details of how financial contributions toward infrastructure provision will be calculated (e.g. where a financial contribution is provided towards off site open space provision). Over the lifespan of the SPG, these figures will need to be updated in line with (for example) the Retail Price Index and it is requested that approval be given for the SPG to be reviewed / amended on an annual basis to take on board these changes.
16. Whilst the Planning Obligations SPG contains details of the infrastructure requirements and site specific mitigation arising from proposed developments, there are certain topics where more detailed technical guidance is also required (for example how a developer would need to design and layout an area of open space). This information will be contained in forthcoming supplementary planning guidance and is referenced within relevant chapters of the Planning Obligations SPG (refer to contents page).
17. When these supporting SPG's are adopted, there will be a need to amended relevant references within the Planning Obligations SPG and it is requested that approval be given for the document to be updated to take on board these changes. For clarity, any future amendments to the Planning Obligations SPG would be identified on page 1 of the document.

Residential Design Guide

18. This SPG seeks to outline the issues that a design for new residential development in Cardiff should address as it seeks planning permission. It applies to major residential development proposals providing 10 dwellings or more, and which require a Design and Access Statement. It provides further guidance on how these major developments can conform to policies KP4, KP5, KP13, KP15, EN10, T1, C3, and C6 of the Cardiff LDP, where the policies relate to residential design quality.
19. Representations were received from five consultees, providing around twenty-one individual comments. The main changes made to the document are summarised in Appendices of the Residential Design Guide SPG and are as follow:
 - The tone of the document was changed to explain more clearly how standard house types can be used and adjusted to achieve our urban design objectives, whilst also emphasising the role of streetscape and landscape design
 - Minor changes in wording to consider how new homes fit into the natural landscape

- Changes to specified densities in line with the LDP policy and some more flexibility in how the measurement of density is assessed in certain situations.
- The addition of up-to-date references related to green infrastructure
- Additional measures to improve the legibility of apartments.

Tall Buildings

20. The SPG seeks to expand on LDP policy Good Quality and Sustainable design (KP5) and specifically section (xii) which seeks to locate tall buildings in accessible locations and within clusters. The current SPG dated 2008 is now out of date and has been updated to reflect the Council's current ambitions for development for tall buildings.
21. The SPG outlines the Council's vision for Cardiff to be the most Liveable City in Europe and that tall buildings need an exceptional standard of design; tall buildings are characterised as 8+ storeys or circa 25m. The Guide deals with pertinent tall building issues from recent development proposals and guides where the development of tall buildings is most appropriate, mainly within the city centre and bay.
22. The Guide emphasises the need to respect heritage, and Appendix A illustrates a zone of very high sensitivity shrouding Cardiff Castle and the Civic Centre. Principles are included to ensure the positioning of tall buildings to retain key views to notable architectural features in the roofscape (Millennium Stadium masts, church steeples etc). Outside of the city centre, tall buildings are characterised as double or more than double height of surrounding properties or significantly taller in terms of actual height and number of floors.
23. Three consultation responses were received from the Design Commission for Wales (DcFW), Natural Resources Wales and one local resident in the Cardiff Bay area. All comments were considered and some minor amendments have been made to the text to further clarify where appropriate. In relation to comments about further plans and visual analysis work being provided in the SPG, it was considered that this was not necessary and should be undertaken on a case by case basis by developers in discussion with the local planning authority and within the guidance parameters.
24. A summary of the changes following consultation were as follows:
 - Electronic links to documents were provided and additional references to DCfW;
 - Greater clarity and more accurate descriptions were provided;
 - Text strengthened to emphasise waterfront skyline and respecting historic buildings of character;
 - Text reinforced and expanded in relation to distinguishable features, public realm, continuity of street frontages, land uses, materials, microclimate, security, deliveries, street interface.

Reason for the Recommendation

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

Legal Implications

26. 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.
27. 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.
28. 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 Locating Waste Management Facilities, Planning Obligations, Residential Design Guide and Tall Buildings SPGs have been subject to public consultation and where appropriate amendments have been made to reflect the comments received.

Powers and Duties

29. 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.
30. 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).
31. 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

32. 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

33. No direct financial implications are expected to arise for the Council following the approval of the specific Supplementary Planning Guidance included in this report. The indexation uplift will ensure that Planning Obligation contributions move in line with general price changes.

RECOMMENDATIONS

Cabinet is recommended to:

1. Approve the Supplementary Planning Guidance attached to this report at appendices A to D for consideration by Council.
2. Recommend to Council that authority be delegated to the Director of City Operations, in consultation with the Cabinet Member for Transport, Planning and Sustainability and Chair of Planning Committee, to review and make consequential amendments to the Planning Obligations SPG (Appendix B) to take account of any annual changes in financial contribution calculations (e.g. changes in line with the Retail Price Index) and the adoption of other supporting supplementary planning guidance by the Council.

ANDREW GREGORY

Director

13 January 2017

The following Appendices are attached:

- Appendix A – Supplementary Planning Guidance: Locating Waste Management Facilities
- Appendix B – Supplementary Planning Guidance: Planning Obligations
- Appendix C – Supplementary Planning Guidance: Residential Design Guide
- Appendix D – Supplementary Planning Guidance: Tall Buildings