

COUNCIL: 30 NOVEMBER 2017

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 Council's vision set out in the Capital Ambition Report, bring about positive improvements to neighbourhoods, and to recommend their approval, as amended, by the Council:
 - Green Infrastructure including Technical Guidance Notes relating to:
 - Ecology and Biodiversity
 - Trees and Development
 - Public Rights of Way and Development
 - River Corridors
 - Protection and Provision of Open Space in New Developments
 - Soils and Development
 - Infill Sites
 - Planning for Health and Well-being
 - Residential Extensions and Alterations
 - Food Drink and Leisure Uses
 - Safeguarding Business and Industrial Land and Premises
 - Childcare 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 third 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. Consultation was undertaken between 22nd June and 3rd August 2017 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. All of the amendments made to the SPG are relatively minor in nature and do not alter the main thrust of the documents.

Green Infrastructure

8. This SPG sets out the Council's approach to the consideration of green infrastructure in relation to new developments. It provides further guidance to Policy KP16 (Green Infrastructure) set out in the LDP and will assist in securing the provision of sustainable development across the City. This SPG is likely to be of particular benefit to those considering development proposals which may affect green infrastructure in Cardiff. It enables developers, landowners and potential objectors to understand how the Council considers development proposals and the standard of provision sought.
9. The SPG relates closely to other planning guidance relating to the other components of green infrastructure. Advice on these components is provided in a series of Technical Guidance Notes (TGNs), which are part of this SPG, as follows:
 - Ecology and Biodiversity TGN
 - Protection and Provision of Open Space TGN
 - Public Rights of Way and Development TGN
 - River Corridors TGN
 - Soils and Development TGN
 - Trees and Development TGN

10. Representations were received from a range of organisations and private individuals, comprising sixteen responses from housebuilders, ecological consultancies, Natural Resources Wales, nature conservation organisations and local naturalists. A summary of these responses is included in an Appendix to the document. Comments included supportive remarks and constructive criticism, and changes have been made to the draft Green Infrastructure SPG to reflect these comments, where appropriate.

Infill Sites

11. This SPG sets out considerations for applicants proposing 'infill' development, which is normally fewer than 10 units. This type of development commonly consists of either gap site development within a street frontage, backland development or site redevelopment where the replacement of an existing building is proposed.
12. The SPG updates and replaces a previous version approved in 2011. It forms one of a series of design guidance documents prepared by the Council to guide the design quality of development in Cardiff and is primarily supplementary to Policy KP5 (Good Quality and Sustainable Design) of the LDP.
13. Eight comments or suggested changes were received from three respondents. These have been considered and where necessary amendments have been made to the document. A summary of the consultation responses/representations received is shown at Appendix E of the document.

Planning for Health and Well-being

14. This is a new SPG and is primarily supplementary to Policy KP14 (Healthy Living) and Policy C6 (Health) of the LDP. The SPG has been developed jointly between the Council and the Cardiff and Vale University Health Board. The purpose of the SPG is to provide guidance on how our environment and the planning decisions we make, impact on the health and wellbeing of the population and ensure planning decisions contribute to the national and local Well-being Goals sets out in the Well-being of Future Generations (Wales) Act 2015. In order to achieve this the SPG sets out a range of potential health and well-being related factors that developers should consider when drawing up development proposals. The SPG also provides guidance on appropriate locations for health care facilities.
15. Representations were received from three respondents. These representations are listed in appendix F of the document, together with associated responses and where relevant details of associated amendments that have been made to the document.

Residential Extensions and Alterations

16. Residential alterations account for a large proportion of the planning applications made to the Council. Both individually and cumulatively, these changes can have a significant impact on the quality of the built environment. The SPG sets out what applicants should consider when planning to extend or alter their home, even if it does not require planning permission. The guide applies to proposals affecting single dwelling houses, houses in multiple occupation (HMOs), or those subdivided into flats.
17. The SPG updates and replaces guidance within a previous SPG approved in 2015 (this replaced a 2007 version). It forms one of a series of design guidance documents prepared by the Authority to guide the design quality of development in Cardiff and is primarily supplementary to Policy KP5 (Good Quality and Sustainable Design) of the LDP.
18. A total of 28 representations were received from six respondents. These have been considered and where necessary amendments have been made to the document. A summary of the consultation responses/representations received is shown at Appendix E of the document.

Food Drink and Leisure Uses

19. This SPG supplements policies in the LDP relating to the location of food, drink and leisure uses. This SPG identifies the most appropriate locations for food, drink and leisure uses across the city and provides advice to prospective developers and members of the public on the policy framework, upon which proposals for food drink and leisure uses will be considered. The guidance sets out planning policy issues which must be considered in relation to this type of use, and its potential impact on an area's vitality, and viability as well as residential amenity and other detailed considerations.
20. Representations were received from 4 consultees, providing around 15 individual comments. These representations are identified within the appendices of the document, together with associated responses, and where relevant, details of associated amendments that have been made to the document.

Safeguarding Business and Industrial Land and Premises

21. This SPG provides guidance on the assessment of alternative development proposals for protected business, industrial and warehousing land and premises and allows applicants to determine the acceptability of alternative uses on existing and allocated employment land and the alternative use of offices in the Central and Bay Business Area together with the necessary evidence required to satisfy the policy criteria. The overriding objective of this SPG is to ensure that where the loss of an existing employment sites occurs, it is not at the expense of the local economy. It therefore provides guidance aimed at overcoming

the difficulties associated with suitable, yet unviable, employment land and premises, for which there is a proven lack of demand.

22. Representations were received from seven respondents. These representations are identified within the appendices of the document, together with responses and where relevant details of associated amendments that have been made to the document.

Childcare Facilities

23. This SPG seeks to identify locations and properties which are acceptable for childcare facilities and provide advice to prospective applicants and the general public on the criteria against which proposals for childcare facilities will be considered.
24. No consultation responses were received in response to the public consultation exercise, so no changes were made as a result.

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.

Human Resources Implications

34. There are no direct human resources implications arising from this report

CABINET PROPOSAL

Council is recommended to approve the Green Infrastructure, Infill Sites, Planning for Health and Well-being, Residential Extensions and Alterations, Food Drink and Leisure Uses, Safeguarding Business and Industrial Land and Premises and Childcare Facilities SPG, appended to this report.

THE CABINET

16 November 2017

The following Appendices are attached:

- Supplementary Planning Guidance: Green Infrastructure
- Supplementary Planning Guidance: Infill Sites
- Supplementary Planning Guidance: Planning for Health and Well-being
- Supplementary Planning Guidance: Residential Extensions and Alterations
- Supplementary Planning Guidance: Food, Drink and Leisure Uses

- Supplementary Planning Guidance: Safeguarding Business and Industrial Land and Premises
- Supplementary Planning Guidance: Childcare Facilities