

COUNCIL:

28 MARCH 2019

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) and recommend their approval, as amended, by the Council:
 - Flat Conversions
 - Student Accommodation

Background

2. The Council has a number of SPGs which are prepared to supplement the policies contained in previous adopted plans. In order to ensure conformity with the Cardiff Local Development Plan (LDP) policies (adopted 2016) a programme of SPG to support and amplify the policies in the LDP is being produced. These SPG's are the fifth 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. For six weeks from late September to early November 2018, consultation was undertaken on the SPGs. Consultation included the following:
 - A six- week public consultation period
 - A public notice in the local press
 - Copies of the documents were made available to view in all Cardiff Libraries.

- Consultation was advertised on Council website.
6. In addition to the above, 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 includes around 300 formal LDP consultees, businesses, interested groups or individuals who have requested to be kept informed of SPG consultations. Both of the SPGs appended to this report contain appendices outlining the specific consultation undertaken, a summary of the representations submitted and the changes made in response.

Flat Conversions SPG

7. The SPG seeks to outline the council's planning policies in terms of the development of flats that are converted from other uses. It is not applicable to new build flats.
8. The authority recognises the vital role played by converted flats in contributing towards a balanced housing mix within the city. However, this SPG seeks to ensure that developments are of a suitable design and standard and accord with wider planning aspirations, such as in regard to sustainable transport. The SPG therefore seeks to ensure high quality flat conversions in the future
9. The key points from the SPG may be considered as follows:
- Introduces principle of space standards, as referenced in H5 of LDP
 - Aligns with *Managing Transport Impacts and Parking Standards SPG* and *Waste Collection and Storage Facilities SPG*.
 - States preference for provision of mixed size dwellings after conversion, to encourage family accommodation and
 - Does not require access to gardens for all flats.
 - Clarifies Planning Obligations with regards to triggers for affordable housing and other commitments
10. A wide range and variety of nearly 50 comments were received through the consultation process, some points replicated by different consultees. These are 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. Many comments were generally supportive in principle of the SPGs aims, but wished for further tightening up of standards, particularly in terms of room sizes. Other comments felt that the proposed standards were appropriate or too restrictive. Several comments sought changes that would have conflicted with the adopted LDP, which is not the purpose of SPG. A number of relatively minor or technical points were raised and acted upon.
12. Overall, the proposed amended version is considered to represent another key element of guidance, which, together with other relevant

policies and SPG will provide the necessary framework for the consideration of future proposals.

Student Accommodation SPG

13. The Student Accommodation SPG outlines the authority's planning guidance in terms of purpose built student accommodation. It does not apply to HMOs or students living in private accommodation or parent's homes.
14. The authority recognises the key cultural and economic role that universities and students play in the city and the consequential need for accommodation for students. It also recognises that poorly located and poorly designed developments can have potential negative impacts upon local neighbourhoods. It is recognised therefore that student accommodation can provide key economic benefits to the city, but it is important that the council acts proactively and manages the process to ensure clear strategic benefits are delivered. The SPG's focus therefore is on ensuring that student accommodation is of a high quality and delivered in appropriate and sustainable locations.
15. The key points in the SPG may be considered as follows:
 - Strong emphasis on design quality, active ground floors, quality of materials.
 - Emphasis on sustainability, limited car parking, and developments in suitable locations.
 - Aligns with *Managing Transport Impacts and Parking Standards SPG* and *Waste Collection and Storage Facilities SPG*.
 - Clarifies planning obligations required, including the reiteration that change of use to other types of development would need a new planning application, with changes of use to residential development requiring an affordable housing contribution, alongside other obligations
 - Reference to standards expected in terms of size of living accommodation.
16. A wide range and variety of nearly 60 comments were received through the consultation process, some of these were replicated by different consultees. These are addressed within an appendix in the SPG. Of the comments, a number led to changes within the final SPG. These are relatively minor and do not alter the main thrust of the SPG.
17. The main concerns related to the design of, and demand for, student accommodation, with the latter tied into concerns about future changes of use to non-student uses. This is not something that the SPG can consider, other than clarifying the standards and requirements for student accommodation and emphasising that any changes would require planning permission in the future. Several comments sought changes that would have conflicted with the adopted LDP, which is not the purpose of SPG. A number of relatively minor or technical points were raised and acted upon.

18. Importantly, the SPG will be used alongside other approved policies and guidance to provide the necessary framework for the rigorous consideration of future proposals.

Reason for the Recommendation

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

Legal Implications

20. 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.
21. Whilst the LDP contains policy; supplementary planning guidance (SPG) contains guidance and advice. SPG should derive from a generic LDP policy and can be used to show in more detail how generic policies will be interpreted.
22. In order for a SPG to be given as much weight as possible as a material consideration SPG should go through a process of consultation followed by the necessary changes before formal adoption.
23. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
24. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2018-21: <http://cmsprd.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Corporate%20Plan%202018-21.pdf> . When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
25. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must

take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
- Focus on prevention by understanding the root causes of problems
- Deliver an integrated approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them.

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

26. 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.
27. The LDP was subject to an Equalities Impact Assessment. The SPGs supplement and provide guidance on the policies which were prepared within this framework.

Financial Implications

28. The approval of the Supplementary Planning Guidance for Flat Conversions and Student Accommodation is not expected to result in any direct financial implications.

HR Implications

29. There are no HR Implications for this report.

CABINET PROPOSAL

Council is recommended to approve the following Supplementary Planning Guidance as amended and appended to this report:

- Flat Conversions
- Student Accommodation

THE CABINET

24 January 2019

The following Appendices are attached:

- Supplementary Planning Guidance: Flat Conversions
- Supplementary Planning Guidance: Student Accommodation