

Report

Cabinet Member for Regeneration and Housing

Part 1

Date: 11 June 2019

Subject Proposed Consultation on Supplementary Planning Guidance on:

Purpose To seek approval to consult on draft Supplementary Planning Guidance on the following topics:

- Planning Obligations (update to existing SPG)
- House Extensions and Domestic Outbuildings (update to existing SPG)
- New Dwellings (update to existing SPG)
- Flat Conversions (update to existing SPG)

Authors Planning Policy Manager

Ward All wards.

Summary The Planning Obligations SPG includes updates to reflect inflated costs. The remaining three SPGs have been updated to provide further clarification on built residential development following lessons learnt. It is now proposed to consult on these documents to seek views of interested parties.

Proposal That Cabinet Member notes the content of all draft SPG documents and agrees that the documents be released for public consultation.

Action by Head of Regeneration, Investment and Housing

Timetable Immediate

This report was prepared after consultation with:

- Strategic Director-Place
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change
- Development Management

Signed

Background

It is proposed to consult on four draft Supplementary Planning Guidance (SPG) documents:

Planning Obligations (update to existing SPG)

New development can create detrimental effects upon local amenity and infrastructure unless additional, or improved services and facilities are provided through planning obligations. The SPG identifies what, and when, the Local Planning Authority will expect from developers. The proposed changes to the SPG are:

Introduction of an administrative fee to reflect the additional work which is required to monitor the S106 planning agreements. The fee will be calculated on the basis of 2% of the total financial contribution or 20% of the planning application fee, whichever is greater. It is proposed that this is secured via a solicitors undertaking, similar to the Council's legal costs.

An acknowledgement that if 95% of the total S106 sum received has been spent in accordance with the legal agreement, the remaining 5% can be transferred to the revenue income of the appropriate service area. At present, any unspent monies should be offered back to the developer. The Council will always spend S106 sums in accordance with the legal agreement, but on occasions, there are small sums left over, for when a project perhaps comes in slightly under budget. This suggested wording in the SPG would enable the Council some flexibility to apply any small amounts of unspent money on revenue and maintenance. If there was more than 5% of the original S106 sum which could not be spent in accordance with the legal agreement, the Council would firstly seek written permission to use the money for something else, but if this could not be agreed, the money would be returned to the developer.

Increases in the education contributions based on the Welsh Government's standardised cost per pupil provided by the Band B 21st Century Programme. The multipliers for primary and secondary school aged children have also been amended slightly to better reflect the number of pupils the Council would expect to live within different sizes of dwelling.

House Extensions and Domestic Outbuildings (update to existing SPG)

This SPG has been produced to add further guidance on Policies GP2 – General Amenity, GP6 – Quality of Design and H2 – Housing Standards within the context of house extensions and domestic outbuildings. The SPG aims to ensure that house extensions and outbuildings do not cause substantial harm to neighbours' living conditions and protect the character and appearance of residential buildings and their surroundings. More specifically, advice is given on development including, rear and side extensions, porches and front extensions, decking and patios and roof alterations. The proposed changes to the SPG are:

1. Amendment of the definition of 'habitable room' to state "*Any room used or intended to be used for sleeping, living, **cooking** or eating purposes. Enclosed spaces, such as bath or toilet facilities, service rooms, corridors, laundries, hallways and utility rooms, are excluded from this definition*". Whether a kitchen with no dining facilities was a 'habitable room' had been subject to debate. This definition strengthens the likelihood that a kitchen can be a 'habitable room'. The SPG includes tests for determining the acceptability of development on a protected window (which in turn, is a door or window that serves a habitable room). Hence the need to update the 'habitable room' definition.
2. Additional paragraph to stress that development proposals that have a significant overbearing effect on neighbouring garden areas (regardless of whether all other tests outlined in this SPG are met), will be unacceptable.
3. Further clarification on how the 25° test and 45° test (which consider the potential loss of daylight) should be applied, in particular, the impact of a proposed development on a protected side window.

New Dwellings (update to existing SPG)

This SPG supplements a number of LDP policies relating to the development of new dwellings including GP2 – General Amenity, H2 – Housing Standards, H3 – Housing Mix and Density and H6 – Subdivision of Curtilages, Infill and Backland Development. The document provides additional guidance on the determination of applications of new dwellings from backland development, infill development, housing estates and flat developments. It aims to establish a set of development principles that ensure that new dwellings are designed to ensure factors including amenity space standards, overdevelopment, privacy and loss of natural light are of an acceptable standard. The proposed changes to the SPG are:

1. The same amendments as above to provide consistency with regard to habitable rooms and the tests for the potential loss of light.
2. Amendments to the desired minimum floor area standards for flats and houses to better reflect the Welsh Government Development Quality Requirements.

Flat Conversions (update to existing SPG)

This SPG provides additional guidance principally on Policy H8 – Self Contained Accommodation and Houses in Multiple Occupation. Other policies of reference include GP2 – General Amenity and H2 – Housing Standards. The document aims to ensure that occupants of converted flats have reasonable living standards, existing dwellings nearby have reasonable living standards, and proposals protect the character and appearance of the built environment. The document provides guidance on minimum standards of internal floor space, amenity issues relating to noise and amenity space and privacy. The proposed changes to the SPG are:

1. The same amendments as above to provide consistency with regard to habitable rooms and the tests for the potential loss of light.
2. Amendments to the desired minimum floor area standards for flats and houses to better reflect the Welsh Government Development Quality Requirements.

Consultation Arrangements

The SPGs will be consulted on for a minimum period of 6 weeks. Consultation arrangements will include providing the document on the Council's website and electronic version will be available at the Councils libraries. There will also be targeted consultation letters or emails. SPGs are a material consideration in the determination of planning applications, with the weight attached increasing if it has been subject to public consultation.

Financial Summary

The proposed consultation would have minimal financial costs as the documents will be sent out electronically where possible. All relevant information will also be made available on the Council's website. Any costs will be met within the existing Local Development Plan budget.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Clarity on the LDP policies is not provided and the LDP could be left	L	L	The SPGs have been prepared to add clarity and guidance on LDP policies to	Development & Regeneration Manager/Planning Policy Manager

open to interpretation and planning decisions are open to challenge.			aid the planning application determination process.	
Draft SPGs will carry less weight by Planning Inspectors in the determination of planning appeals.	M	L	The draft SPGs will be subject to public consultation, increasing the weight of the SPG. They will then be formally adopted.	Development & Regeneration Manager/Planning Policy Manager

Links to Council Policies and Priorities

The Local Development Plan is one of the statutory plans the Council has to prepare. It determines Newport's land use policies to 2026. Liaison has been maintained with officers from the relevant sections to ensure consistency and common purpose. The SPGs produced supplements and support the overarching principles set out in the LDP, adding more detail and clarification where required.

Newport City Council has a Corporate Plan that runs to 2022. Its primary objective is 'improving people's lives'. It has four commitments; Resilient Communities, Thriving Cities, Modernised Council; and Aspirational People. These SPGs will help deliver these commitments.

Options Available and considered

Approve all draft SPGs for public consultation.

Make amendments to the draft SPGs and then approve for consultation.

Approve certain draft SPGs but not all.

Do not approve any of the draft SPG for consultation.

Preferred Option and Why

To approve all draft SPGs for consultation. This will allow interested parties to provide responses on the proposed policy detail before the Council seeks to adopt the document for development management purposes. The weight attached to Supplementary Planning Guidance increases if public consultation is undertaken prior to adoption.

Comments of Chief Financial Officer

The decision to proceed with public consultation will have minimal financial impact and be met from within the Local Development Plan budget.

Appropriate SPG's and other related obligations are key to ensuring the Council is not disadvantaged unnecessarily as the City grows and changes and therefore indexation of the education elements are welcomed, as is the flexibility also included. . Any potential impact that may arise as a result of the consultation will need to be considered and budget identified where required.

Comments of Monitoring Officer

The four draft SPG's provide more detailed practical and technical guidance regarding the application of the strategic land use policies contained in the LDP and should provide a consistent approach for the determination of future planning applications. The Cabinet Member is asked to approve the draft SPG's for the purposes of a 6 week public consultation and to consider the responses to this consultation before deciding whether to adopt the SPG's with or without amendment. The final SPG's will then be a material planning consideration in the determination of relevant applications and greater weight can be

attached to them if they have been subject to public consultation, prior to their adoption. The draft SPG's are an update to existing SPG's to reflect enhanced financial provisions in relation to Planning Obligations and to clarify certain design matters in relation to various types on new-build residential developments.

Comments of Head of People and Business Change

From an HR perspective, there are no staff implications to this report.

This report has fully considered the sustainable development principle of the Well-being of Future Generations (Wales) Act 2015. Full details of how the proposal meets the five ways of working (long-term, prevention, integration, collaboration and involvement) of the principle are included in the appropriate section of the report.

Comments of Cabinet Member

Cabinet Member has been briefed on the report.

Equalities Impact Assessment and the Equalities Act 2010

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

Children and Families (Wales) Measure

Although no targeted consultation takes place specifically aimed at children and young people, consultations on such documentation is open to all of our citizens regardless of their age. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

Wellbeing of Future Generations (Wales) Act 2015

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

- Long term: Ensuring appropriate standards and securing sufficient planning obligations will contribute to the long term targets of sustainable development principles. Improving design of buildings will also help with the longer term goals of creating new communities where people want to live.
- Prevention: The consideration of good design and standards as a result of the SPGs will prevent poor schemes from being implemented. Securing appropriate planning obligations will also prevent problems with school places, transport problems and shortages of leisure space.

Integration: Securing appropriate planning contributions will help to integrate facilities, such as schools, green space etc. within sustainable new communities. The integration of facilities will help reduce the need to travel and assist with environmental goals.

Collaboration: This report seeks approval for consultation of the draft documents. The consultation will inform the final versions and allow collaboration between those interested stakeholders. The Council's Development Management have been central to the content of the documents.

Involvement: This report seeks approval for consultation of these documents. The consultation will inform the final version of the documents and seeks views from interested parties. Their involvement is key to producing useful documents that can be used to implement the Council's sustainable development objectives.

The proposal is in line with the Council's well-being objectives published in March 2017. Specifically, these proposals contribute to the well-being objectives 2 to Promote economic growth and regeneration whilst protecting the environment.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

Consultation

The draft documents have not been made publically available.

Background Papers

- Planning Obligations (update to existing SPG)



Planning Obs SPG
2019 (Latest Version)

- House Extensions and Domestic Outbuildings (update to existing SPG)



Draft House
Extensions and dorr

- New Dwellings (update to existing SPG)



New Dwellings -
SPG (UPDATED FEB 2

- Flat Conversions (update to existing SPG)



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Conversions - SPG (f

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