

Report

Cabinet Member for Regeneration and Investment

Part 1

Date: 30 July 2015

Item No:

Subject **Supplementary Planning Guidance to support the Adopted Local Development Plan**

Purpose To formally adopt 10 SPGs to support the LDP on 6 August 2015.

Author Planning Policy Manager

Ward All wards

Summary The Local Development Plan (LDP) was adopted by Council on 27 January 2015 and is now the development plan for Newport. 10 Draft Supplementary Planning Guidance (SPG) documents have been prepared to provide additional detail and guidance on policies in the LDP. The SPGs have been through a 6-week public consultation. Comments have been received and the Council has made a number of minor amendments. It is now proposed that the SPGs are formally adopted by the Council. The SPGs to adopt are:

- Planning Obligations SPG
- Affordable Housing SPG
- Archaeology and Archaeologically Sensitive Areas SPG
- Wildlife and Development SPG
- House Extensions and Domestic Outbuildings SPG
- New Dwellings SPG
- Flat Conversions SPG
- Parking Standards SPG
- Housing in Multiple Occupation SPG
- Security Measures for Shopfronts and Commercial Premises SPG

The next Planning Committee is to be held on 5 August 2015. It is proposed that the SPGs are formally adopted on 6 August 2015. Therefore all applications determined after this date will need to consider the above SPGs. A clear adoption date will help to give certainty to developers and planning officers about when the SPGs will be applied.

Proposal **To note the comments received and any proposed amendments detailed in the Report. To agree for the SPGs to be formally adopted to become effective from 6 August 2015.**

Action by Head of Housing, Regeneration and Investment

Timetable Immediate

This report was prepared after consultation with:

- All Council Members
- Planning Consultants
- Statutory Consultees
- Internal Council Departments
- Community Councils
- Neighbouring Authorities
- General Public
- Monitoring Officer
- Head of Finance
- Head of People and Business Change

Signed

1. Background

- 1.1 The Local Development Plan was adopted by Full Council on 27 January 2015 and is now used for development management purposes and determining planning applications. The LDP will be accompanied by Supplementary Planning Guidance (SPG) covering topic areas and policies which require more detailed guidance. 10 Draft SPGs have been prepared and were subject to a 6-week public consultation from 24 April 2015 to 5 June 2015.
- 1.2 Comments have been received and considered by officers. The tables noting all comments received and the Council's proposed responses are available to view in Appendix 1. A summary of the main proposed changes to the SPGs are below.

2. Summary of Proposed SPG Changes

2.1 Planning Obligations SPG ([please click here for version to be adopted](#))

- Changes made to section 3 setting out what a developer would be expected to provide with a planning application when a S106 agreement is required.
- Minor change to clarify how education capacity is determined.
- Minor change to clarify how the leisure S106 contribution will be spent.
- Confirmation that the Council will not seek education or leisure contributions on affordable units, even if the scheme is proposing a greater number of affordable units than the LDP policy requires. It is agreed that the proposed approach during consultation may have impacted on the delivery of affordable housing. Therefore the existing approach to affordable housing will be maintained. The non-charging of affordable units is compliant with the Community Infrastructure Levy, which the Council intends to implement in early 2016.
- Delete the requirement for a S106 administration fee of 3% of the planning obligation. The S106 administration fee of 15% of the planning application fee is considered more reasonable.
- Removal of the reference to Local Labour and Training Initiative. The Council continue to support local labour initiatives through its strategic corporate policies, but stipulating that developers must use local labour is not in accordance with the three tests for planning obligations.
- Clarification provided that staged S106 payments will be considered for larger developments.

2.2 Affordable Housing SPG ([please click here for version to be adopted](#))

- Clarification provided that commuted sums payments can be phased.

2.3 Archaeology & Archaeologically Sensitive Areas SPG ([please click here for version to be adopted](#))

- Detailed flow diagram of the process added to the appendix.

2.4 Wildlife and Development SPG ([please click here for version to be adopted](#))

- Correction to recognise the Wildlife and Countryside Act and Badgers Act is nationally significant (not internationally).
- New paragraph added to warn developers to check for bats, nesting birds, barn owls and great crested newts, prior to any works taking place.

2.5 House Extensions and Domestic Outbuildings SPG ([please click here for version to be adopted](#))

- Removal of geometric tests that would mathematically assist the planning officer with regard to development that may impact on the privacy of neighbouring and adjoining properties. Such situations will be left to the planning officers' professional judgement, as is currently the case.

2.6 New Dwellings SPG ([please click here for version to be adopted](#))

- Removal of geometric tests as described above.
- Changes made to the proposed room sizes. Instead of providing minimum standards for individual rooms in flats, the SPG will include 'desired standards' for the unit sizes of the particular flat type.
- Sentence added to recommend that developers use the South East Wales Biological Records Centre to determine the presence of designated wildlife sites, habitats and protected species.

2.7 Flat Conversions SPG ([please click here for version to be adopted](#))

- Removal of geometric tests as described above.
- Changes made to the proposed room sizes. Instead of providing minimum standards for individual rooms in flats, the SPG will include 'desired standards' for the unit sizes of the particular flat type.

2.8 Parking Standards SPG ([please click here for version to be adopted](#))

- Standard dimensions of parking spaces added to the document.
- Flexibility added with regard to parking courts and the number of cars. It is suggested that no more than 12 parking spaces should be provided but this is dependent on site specific circumstances.

2.9 Housing in Multiple Occupation SPG ([please click here for version to be adopted](#))

- Minor terminology change in accordance with legislation – safe and fit for occupation is now replaced with safe and suitable for occupation.
- New flowchart added to identify the need for an HMO licence.

2.10 Security Measures for Shopfronts & Commercial Premises SPG ([please click here for version to be adopted](#))

- No comments received.

3. Financial Summary

- 3.1 There was a small financial cost associated with the consultation, mainly postal fees and the cost of advertising in the South Wales Argus, however there will be no cost associated with adoption. Following adoption, it might be desirable to print hard copies of the SPG as office copies, but this will be a modest fee. The majority of users will download the SPGs electronically from the Council website.

4. 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?
Unadopted Planning Obligations and Affordable Housing SPGs are used to negotiate S106 contributions but will have considerably less weight and open to challenge if they are not adopted.	H	L	Draft SPG on Planning Obligations and Affordable Housing have been subject to public consultation and are now ready for adoption.	Head of Development Services/Planning Policy Manager
Clarity on the LDP policies is not provided and open to interpretation and challenge.	M	L	The 10 SPGs will help to provide clarity and offer further guidance to certain areas and policies of the LDP.	Head of Development Services/Planning Policy Manager
Draft SPGs will carry less weight by Planning Inspectors in the determination of planning appeals.	H	L	The SPGs have been through public consultation and are now ready for adoption.	Head of Development Services/Planning Policy Manager

* Taking account of proposed mitigation measures

5. Links to Council Policies and Priorities

- 5.1 The Local Development Plan is one of the statutory plans the Council has to prepare. It determines Newport's land use policies for the next fifteen years. Liaison has been maintained with those preparing the other plans to ensure consistency and common purpose. The SPGs produced supplement and support the overarching principles set out in the LDP, adding more detail and clarification where required.
- 5.2 The Newport Single Integrated Plan (SIP) is the defining statement of strategic planning intent for the next 3 years. It identifies key priorities for improving the City, including Health and Wellbeing and Safe and Cohesive Communities. The LDP and supporting SPGs has had regard to these principles and will help deliver them through the determination of planning applications.

- 5.3 Newport City Council has five corporate objectives including a Fairer City, Greener and Healthier City and Safer City. The SPGs will help deliver the corporate objectives through the provision of planning obligations and affordable housing to provide mixed communities, and ensuring development of all scales is appropriately designed for its use and area.

6. Options Available

- 6.1 Approve the 10 draft SPGs for adoption.
- 6.2 Approve some, but not all of the SPGs for adoption.
- 6.3 Do not approve the SPGs for adoption.

7. Preferred Option and Why

- 7.1 To approve and adopt all 10 SPGs. The documents have been subjected to public consultation and comments have been considered and in some instances, amendments have been made to the documents. Adopted SPGs will assist the Council in determining planning applications and securing S106 contributions and affordable housing.

8. Comments of Chief Financial Officer

- 8.1 As declared in the report, there are no financial consequences from the adoption of the SPG.

9. Comments of Monitoring Officer

- 9.1 There are no specific legal issues arising from the Report. The proposed 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 draft SPG's have been subject to public consultation and, where appropriate, minor amendments have been made to reflect the comments received. Therefore, it is now open to the Cabinet Member to formally approve and adopt these updated SPG's. A specific adoption date will provide greater certainty for officers and developers in terms of implementation.

10. Staffing Implications: Comments of Head of People and Business Change

- 10.1 There are no direct human resources implications in this report. The Supplementary Planning Guidance (SPG) Documents will be key to ensuring that future development is consistent with the LDP and the Single Integrated Plan (SIP) and so will assist the Council in creating sustainable communities that provide social, economic, and environmental benefits. Whilst all SPGs are strategically significant the specific SPGs for planning obligations, affordable housing and wildlife are particularly relevant in taking forward SIP objectives on tackling poverty, economic growth and sustainable development. It is noted that the SPGs have been subject to a six week public consultation and have taken account of the feedback received.

11. Comments of Cabinet Member

- 11.1 Cabinet Member has approved the report for circulation.

12. Local issues

- 12.1 The SPGs will affect all wards in Newport.

13. Scrutiny Committees

13.1 The SPGs have not been through any Scrutiny Committees.

14. Equalities Impact Assessment

14.1 The LDP as a whole has been subjected to an Equalities Impact Assessment. The SPGs supplement the LDP. It is not considered necessary to have separate EIAs for every SPG.

15. Children and Families (Wales) Measure

15.1 No consultation has taken place specifically with children and young people. Children and young people will be eligible to comment on the SPGs during the formal 6 week consultation. The subject areas of the SPGs are not considered to be particularly relevant to children and young people.

16. Consultation

16.1 Extensive public consultation has taken place and comments have been received from statutory bodies, planning consultants and other interested parties. Consultation has also taken place within the Council, particularly with Development Management, Green Services, Housing and Streetscene.

Comments from Non Executive Members

None received

17. Background Papers

- 17.1 A copy of each draft Supplementary Planning Guidance is available by following links in numbered section 2 of the report.
- Appendix 1 – Feedback from consultation and Council's proposed response.

Dated: 30 July 2015

APPENDIX 1 – COMMENTS RECEIVED ON THE SPGs AND THE COUNCIL’S PROPOSED RESPONSE

General Comments

Table 1

Representor	Comments	Council Response
LRM Planning Ltd	<p>The production of such advice is generally welcome, it could act as positive guidance on what is required by the Local Planning Authority in order to help implement the policies of the LDP and can assist land owners and developers. However, the guidance contained within the various draft documents raises a number of serious concerns, firstly where it is at variance from Planning Policy Wales (PPW), Welsh Government Planning Circulars and the CIL regulations and secondly where it seeks to introduce new policies which go beyond the remit of Supplementary Planning Guidance in relation to the adopted LDP.</p>	<p>The response is not clear here as to where the specific variances are. It is supposed that such issues are raised against each SPG; a response to these matters will be dealt with below.</p>
	<p>Taking account of the various documents, we are concerned that the cumulative impacts of each have not been fully considered. Indeed, there are numerous standards required that will certainly add to development costs and will therefore need to be considered in assessing the viability of a proposal. In their present form the combined requirements seem to significantly impact upon the ability of the LDP to achieve its own housing requirements and therefore render the plan unsound.</p>	<p>Each SPG has not added policy, they are guidance documents only which seek to clarify the policy intent from the LDP. Policy requirements were taken into account during the LDP examination process and viability work. The LDP has been found sound and the monitoring process will allow the Council to acknowledge its achievements or policy weaknesses.</p>
	<p>The Role of Supplementary Planning Guidance</p> <p>Our comments are framed by the requirements of the Welsh Government in relation to the scope and purpose of Supplementary Planning Guidance (SPG). In this regard guidance is clearly set out within paragraphs 5.1 to 5.4 of the Local Development Plans Wales (2005) document issued by the Welsh Government. The role of SPG is defined therein as being <i>“a means of setting out more detailed thematic or site specific guidance on the way in which the policies</i></p>	<p>The role of SPG is clear and well understood by the Council. It is not considered that the drafted SPGs have introduced new criteria nor introduced any new policy.</p>

	<p><i>of an LDP will be applied in particular circumstances or areas.”</i> (paragraph 5.1). The guidance is clear that SPG must be consistent with the Local Development Plan and can play a useful role in supplementing plan policies. However, Para 5.4 states that <i>“Plan policies should not attempt to delegate the criteria for decisions on planning applications to SPG”</i>.</p> <p>This position has been shaped by case law. In Westminster City Council v Great Portland Estates plc (1985) and R (on the application of JA Pye (Oxford) Ltd) v Oxford City Council (2002), it was made clear that guidelines relating to the control of development ought properly to be included in the Development Plan so that interested parties would not be deprived of the right to object. Supplementary Planning Guidance may be used to supplement existing policies in the development plan but not change them or introduce new policies, and SPG should not be used to delegate the criteria for decisions on planning applications to the guidance. This, along with relevant Welsh Government Policy and Guidance, forms the basis for our comments.</p>	
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Planning Obligations Supplementary Planning Guidance

Table 2

Representor	Comments	Council Response
NCC (Development Services) West Area Team Manager	Section 3 of the Planning Obligations SPG is not sufficiently clear, insofar as it relates to documents required with applications. It refers to both validation and before an application is approved. Either way, Evidence of Title is not a validation requirement irrespective of S106 requirements. Furthermore, evidence of Title cannot reasonably be expected prior to resolutions to grant. This is a matter required at the time a S106 is agreed and progressed. We cannot “expect” all necessary s106 related documents be submitted at the time an application is	Agree to proposed changes. As such, paragraphs 3.1, 3.2 and 3.3 (of the April 2015 version) have been deleted and replaced with: <i>“Where pre-application advice has raised a S106 issue or where adopted policy expects a planning obligation, developers are advised, if possible, to submit the following documents with their application:</i>

	<p>lodged. Firstly, we don't necessarily know in which cases these will be required and secondly, the documents referred to are not a validation requirement by law. In this regard the reference to "must submit" cannot be used. The best we can say in reality is that where pre-application advice has raised this as an issue or where adopted policy expects an obligation, developers are advised or encouraged to submit the stated docs with their application. I consider that this section needs to be reworded</p>	<ul style="list-style-type: none"> • <i>Proof of Title – proof of ownership of all the property and/or land affected by the application site edged red. Because planning obligations run with the land, all owners, lessees and mortgagees must be signatories;</i> • <i>Draft S106 Heads of Terms;</i> • <i>Any valuation to prove eligibility for reduced contributions, accompanied by information detailing how costs were derived;</i> • <i>All other requirements outlined by the application form checklist;</i> • <i>Details of the solicitor that will be handling the case."</i>
	<p>Outline application formula based approaches are not developer friendly in my view but I can see why they may be required. Section 9 of the planning obligations SPG appears to confirm that as a general rule a section 106 would be required and be formula based. Are we saying that all outline applications must have a section 106? I also think that we need to clarify aspects connected with the lifetime of permission (see comments below) as we cannot in my view reasonably expect a s106 where evidence to support the requirements is not robust for the lifetime of the permission. Therefore, the reference to "general rule" almost makes it a given that outline apps will require a s106. I think this is the wrong emphasis and would delete it. Instead adding after "<u>specific obligations...where required and supported by evidence of impact</u>, with value and details to be determined, etc..." as I consider this to be the real test and not a "general rule" that we will expect it.</p>	<p>Agree to proposed changes i.e. Remove text "As a general rule" from paragraph 9.1 and replace with "<i>When required and supported by evidence.</i>"</p>
	<p>At section 16.6 we confirm the trigger for education contributions and at section 17.4 we confirm the trigger for leisure. In respect of education, I see the capacity issue being relevant for the lifetime of the permission. So, for example, if there is no capacity for the school year the application is made and then, for whatever reason, the following 4 years has enough capacity to the cater for the development, we assumedly would not expect a contribution having regard to build out and occupation timescales. In respect of leisure, 17.4 states that leisure money will be spent in the ward or the local</p>	<p>Agree to proposed changes:</p> <p>Firstly, replace bullet point three of paragraph 16.4: "<i>there is surplus capacity over a projected ten year period (based upon Education Department birth projections and capacity forecasts)</i>" with "<i>there is surplus capacity over the lifetime of the planning permission (based upon Education Department birth projections and capacity forecasts)</i>"</p> <p>Secondly, in paragraph 17.4 replace "this will be spent in the</p>

	<p>vicinity. I would have thought that to meet the tests in part 2.1 of the SPG, the money has to be spent at a facility that we can reasonably say is affected by the development. This raises the requirement to assess distance factors along with geographical and possibly topographical constraints that may affect the development's reasonably burden on the facility. I read 17.4 as a far more general statement when instead I would expect it to say that the money will be spent in the leisure areas determined to be affected by the proposals. Anything else is just unreasonable and open to challenge in my view.</p>	<p>associated ward, or if more appropriate, spent in the local vicinity" with <i>"this will be spent in the leisure areas determined to be affected by the proposals"</i>.</p>
	<p>The SPG refers to the NCC Parents Information Handbook to obtain information re-education provision. Whilst this document confirms school capacity figures it does not give information re school roles or the "school cluster" reference. I am not sure what the latter is or how a developer would know what this is. I also am not aware of any published information on school role numbers nor how a developer can easily scrutinise the need for a legal agreement without obtaining these figures from the Authority at the point a legal agreement contribution is sought. I am of the view that if money is sought having regard to impact upon education infrastructure, both the school cluster and the respective school roles for the lifetime of the permission should be made available to the developer/applicant to confirm that any request made meets the required test. This could be subject to their request rather than expected as standard.</p>	<p>The Council provide this information (upon request) during S106 discussions (either at pre-application stage and/or prior to a planning decision)</p>
<p>Dwr Cymru Welsh Water</p>	<p>DCWW has a duty to improve, maintain and extend its water and sewerage systems under the respective sections 37 and 94 of the Water Industry Act 1991 and aims to ensure that sufficient infrastructure exists for domestic developments. Investment in water and sewerage infrastructure is managed in rolling 5 year Asset Management Plans which seek to ensure appropriate large scale investment is undertaken to provide capacity for growth. The current AMP, AMP6 runs from April 2015 to March 2020.</p>	<p>Noted.</p>

	DCWW are required to put forward a business plan for investment for each AMP cycle and as part of this work require some certainty in terms of growth areas and site development proposals. An adopted or 'sound' LDP with identified allocated development sites, significantly strengthens the case that DCWW can put forward in relation to projects requiring AMP funding. DCWW's industry regulator, OFWAT, usually do not provide investment for infrastructure to serve unconfirmed growth.	Noted.
	Due to the regulatory, financial and legislative framework that DCWW has to work within there is the potential for disparity in the timeframes of DCWW's AMP and LDPs. There may therefore be instances where 'lead-in' times are necessary to bring an infrastructure project and associated funding to fruition.	Noted.
	Where specific improvements to water and sewerage infrastructure are required in order to bring a development site forward, but where the improvement works are not planned to come forward through the AMP, the Local Planning Authority has the option to request funding through planning obligations. By entering into a S106 Town & County Planning Act Legal Agreement with a developer, the Local Planning Authority are able to make acceptable development that would otherwise be unacceptable in planning terms.	Noted. Paragraph seven already caters for the delivery of sustainable development (including any requirement for water and sewerage infrastructure)
	We hope that the above information will assist you as you continue to progress the Planning Obligations SPG. In the meantime, should you require any further information please do not hesitate to contact us at Forward.Plans@dwrcymru.com or via telephone on 0800 917 2652.	Noted.
NCC (Housing) Strategy & Development Manager	Concern with the proposal at 15.4 whereby any additional affordable housing provided over and above the specified requirement will be required to contribute towards leisure and education obligations. This will have a direct impact on the delivery of affordable housing specifically on sites where a Registered Social	Agreed. This adheres to national policy stipulated in the CIL regulations. Regulation 49 stipulates that social housing relief is a mandatory discount that applies to most social rent, affordable rent, intermediate rent provided by a local authority or Private Registered Provider, and shared ownership dwellings. As such, paragraph 15.4 is

	<p>Landlord (RSL) is the developer. For example Loftus Garden Village is seeing the redevelopment of a previously derelict and vacant site for much needed housing. The site includes a much needed mix of affordable tenures including one of the first modern co-operative developments in Wales. There will be a proportion of market housing on site, the sale of which is being used to fund the development of the affordable housing as there isn't any public subsidy being invested here. If the proposed policy was applied to this site, the market housing would rightly provide a contribution, however because the affordable housing is in excess of 50%, a proportion of the affordable housing would need to contribute as well. This would mean that public subsidy would be required to ensure the development of the affordable housing and to pay the education and leisure sums. I would therefore propose that where an RSL is the developer of affordable housing that they are exempt from payments for education and leisure, as the only mechanism by which they could make these payments would be by receiving additional public subsidy.</p>	<p>deleted and replaced with <i>"The Council will expect applicants to have taken into account the likely cost of providing the affordable housing when purchasing land subject to alternative use values. Within this calculation the applicant can assume that affordable housing provision is exempt from contributions towards leisure and education planning obligations"</i></p>
<p>Langstone Community Council</p>	<p>Regarding Paragraph 2.4 Langstone Community Council do not agree that the CIL monies are pooled into one fund which can be used for any infrastructure needed to support new development across the City Council's administrative area. The monies raised should be allocated to the ward that hosts the development.</p>	<p>No changes are required: CIL regulation 59 enables CIL receipts to be pooled and utilised for infrastructure across the City Council's administrative area. However, up to 15% of any CIL receipt, from a development within the Langstone Community Council (CC) borders, will be allocated to the CC to spend.</p>
	<p>Regarding Paragraph 5.2 Langstone Community Council do not agree that financial contributions which remain unspent by the Council are returned to the payee. The City Council should ensure that all monies that are properly made by any developer are responsibly used by the City Council for the benefit of the residents.</p>	<p>No changes are required: There is a legal requirement for S106 monies to be spent within five years of receipt. This is deemed a 'reasonable' timeframe for monies to be spent</p>
	<p>Regarding Paragraph 7.1 Langstone Community Council suggests the addition of the following:- PROVISION OF COST FREE SCHOOL TRANSPORT FOR OVER 16's.</p>	<p>No changes are required: Paragraph 7 enables the inclusion of school transportation costs (if required)</p>

	Regarding Paragraph 17.5 Langstone Community Council do not agree that Private Management Companies should be used as an alternative to maintenance payments. The City Council should be providing the maintenance, at the developers cost, to an acceptable and consistent standard ensuring maximum employment opportunities for City Council staff.	No changes are required: The City Council cannot enforce such a policy. Developers/Owners are within their rights to request a Private Management Company
	Regarding Paragraph 18.1 Langstone Community Council suggests that appropriate contributions <u>should</u> be sought ensuring best value for the City Council and the residents.	No changes are required: Contributions for each development site will be dealt with on its individual merits in order to provide a sustainable development
Newport Gwent Wildlife Trust	Gwent Wildlife Trust welcomes the inclusion of 'protection, enhancement and management of the natural environment' within Planning Obligations. Biodiversity in Wales is still in decline, and we have failed to meet international targets to reverse it. The impacts of development are a major factor in biodiversity decline, yet very little is being done to address this	No changes are required: Paragraph 7 enables the protection, enhancement and management of the natural environment (if required)
	Our own experience is that although planning authorities allow for 106 agreements and CIL to relate to biodiversity issues, it is very rarely applied in practice. One reason for this is that there is no fixed rate or formula for claiming for biodiversity costs, as there is for education or play areas. Whilst this may be outside the scope of this SPG, we strongly urge the council to consider how 106 agreements and CIL can be consistently applied to deliver the resources needed to meet their biodiversity commitments. At a time when funding for biodiversity is at an all-time low, the council cannot afford to ignore this important source of income.	No changes are required: Paragraph 7 enables the protection of biodiversity (if required). If necessary, Green Services provide mitigation requests on a site-by-site basis (through the planning application process)
Tidal Lagoon Power	No comment on the document itself other than on the link to CIL. We welcome a review of this SPG alongside introduction of the CIL. Now that we are post 6 th April 215, it would be helpful to understand what the interim procedures might be in advance of a CIL being adopted, and what the intended schedule is for CIL. If an infrastructure plan, draft CIL or draft Regulation 123 list are prepared, we would welcome them being made available.	No changes are required: Paragraphs 2.4 – 2.6 explains the relationship between S106 and CIL. The Council's consultation on CIL commenced 26 June 2015 with information available on our website.

<p>Cllr Jane Mudd</p>	<p>The SPG policy proposes that any additional affordable housing provided over and above the specified requirement will be required to contribute towards leisure and education obligations. There is a very high risk that if this proposal is adopted as part of the guidance that this will have a detrimental impact on the delivery of affordable housing; particularly where a Registered Social Landlord (RSL) is the developer of a site. There is a strong argument to support an alternative suggestion, which should be, that where an RSL is the developer of affordable housing that they are exempt from payments for education and leisure. As the only mechanism by which they could make these payments would be by receiving additional public subsidy. As a local authority we have developed a positive and constructive relationship with RSLs, implementing guidance that could, albeit unintentionally, create problems moving forward with the development and delivery of affordable housing in Newport and ultimately, reduce our ability as a local authority to ensure that housing need is met.</p>	<p>Agreed. This adheres to national policy stipulated in the CIL regulations. Regulation 49 stipulates that social housing relief is a mandatory discount that applies to most social rent, affordable rent, intermediate rent provided by a local authority or Private Registered Provider, and shared ownership dwellings. As such, paragraph 15.4 is deleted and replaced with <i>“The Council will expect applicants to have taken into account the likely cost of providing the affordable housing when purchasing land subject to alternative use values. Within this calculation the applicant can assume that affordable housing provision is exempt from contributions towards leisure and education planning obligations”</i></p>
<p>LRM Planning Ltd</p>	<p>It is our opinion that not only does the document vary from the requirements of the guidance, but it also seeks to introduce new criteria and requirements for Planning Obligations that are significant departures from policy. Accordingly based on statutory requirements and the role of an SPG we set out our comments as follows:</p> <p>Section 1 Introduction</p> <p>Para 1.1 should be amended to reflect the key requirements of the CIL. It is plainly the case that it is not the role of obligations to “assist the Council in creating sustainable communities that provide social, economic and environmental benefits”, whilst these may be unobjectionable planning policy objectives, it is the role of the obligations to meet the three CIL tests in relation to a development and not to go beyond, planning obligations must be:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; 	<p>No changes are required: Paragraph 2.1 clarifies adherence to the three tests</p>

	<ul style="list-style-type: none"> • directly related to the development; and • fairly and reasonably related in scale and kind to the development. <p>Para 1.2 should be caveated by reference to the three tests.</p>	
	<p>Para 1.5 should be clear that the guidance only relates to new applications. Any renewal of variation of time may be made unviable by any increased requirements.</p>	<p>No changes are required: A renewal application is effectively a ‘new’ application and is subject to the most up-to-date policy requirements</p>
	<p>Section 3 Procedure</p> <p>We have significant concerns over the content of section 3 that has the effect of allowing the Authority to prejudge the determination process and conflicts with Article 22 of the DMPWO. The validation process is not for Local Authorities to consider the merits of the proposal, or to attempt to deflect the content of a planning application. The proper and lawful process for dealing with such matters is through the post-registration procedures involving consultation with statutory bodies and other interested persons, negotiations with the applicant and formal determination. Welsh Government Circular 002/12 sets out guidance on validation of applications:</p> <p>“Validation 22. Validating planning applications should essentially be an administrative process. The Standard Application Form should be checked to ensure all relevant questions have been answered. If a local planning authority is satisfied it has received an application that meets the requirements set out in the Standard Application Form, including additional assessment documents, other legal requirements such as those in the DMPWO, and any published local validation requirements (for major applications), it should be registered as a valid application. The local planning authority should then determine the application within the relevant time periods set out in Article 22 of the DMPWO (see paragraph 31).”</p>	<p>Agree to proposed changes.</p> <p>As such, paragraphs 3.1, 3.2 and 3.3 (of the April 2015 version) have been deleted and replaced with:</p> <p><i>“Where pre-application advice has raised a S106 issue or where adopted policy expects a planning obligation, developers are advised, if possible, to submit the following documents with their application:</i></p> <ul style="list-style-type: none"> • <i>Proof of Title – proof of ownership of all the property and/or land affected by the application site edged red. Because planning obligations run with the land, all owners, lessees and mortgagees must be signatories;</i> • <i>Draft S106 Heads of Terms;</i> • <i>Any valuation to prove eligibility for reduced contributions, accompanied by information detailing how costs were derived;</i> • <i>All other requirements outlined by the application form checklist;</i> • <i>Details of the solicitor that will be handling the case.”</i>

	<p>In addition it notes that: 24. where the information is a matter of subjective judgement, the quality of the information should have no bearing on the validity of the application for the purpose of Article 22 of the DMPWO. Similarly, the quality of additional assessments submitted as part of the application process should have no bearing on the validity of the planning application during the validation process, unless there are clear omissions or inaccuracies.</p> <p>Given that there are numerous subjective elements to viability and the overarching need to meet the three CIL tests, the proper forum for consideration of such matters is through the statutory determination process in line with the DMPWO.</p> <p>Further there is no remit for this SPG to set out additional validation requirements, rather it should be made clear that it is optional and at the discretion of the applicant. It is further noted that it may be the case that not all of the requirements of the scheme are known until part way through the determination process. There could be matters that arise through the determination process that produce abnormal costs that could not have been reasonably foreseen beforehand.</p> <p>In relation to proof of ownership, this is considered an unnecessary duplication of the existing requirements for land ownership certificates to be completed in line with the DMPWO. This covers the various scenarios adequately allowing the necessary flexibility for varying forms of land interest. The Council will be aware that it is not always the land owner that submits an application, indeed, it is open to anyone to submit an application so long as the appropriate notices are served.</p>	
	<p>Section 6 Legal Agreements and Administration Fees</p> <p>This section should be removed from the document. The High Court has recently considered whether administration fees should be included and found that their inclusion was “not necessary to make the development acceptable in planning terms” (Oxford County</p>	<p>Agreed: Delete requirement for 3% of planning obligation contributions and delete paragraph 6.3. It is considered that 15% of the application fee is both reasonable and proportionate and should be retained.</p>

	<p>Council vs Secretary of State for Communities and Local Government), and therefore did not comply with the CIL tests.</p> <p>We would hope that s106 agreements can be concluded well within 6 months, but it is common for this to take much longer for complex schemes. However, we would suggest that the recourse for developers if an agreement is not signed after that period is to appeal against non-determination of the application particularly where planning obligations do not meet the CIL tests.</p>	
	<p>Section 8 Piecemeal and Under Development</p> <p>Site specific circumstances will determine the appropriate density of a site not a blanket requirement for 30 dwellings per ha. It is plainly contrary to good practice design and planning to assume that if a site is less than this level it will be deliberately under developed – sites can be significantly over or below this, in line with market requirements and site / context appraisal. We note that the requirements of other draft SPG’s in their present form will have an adverse impact upon development densities (particularly in relation to space and amenity standards and other requirements). This in turn will adversely impact upon site viability by both increasing costs and reducing developable area.</p>	<p>No changes required: Policy H3 of the adopted Local Development Plan requires a minimum density of 30 dwellings per hectare and provides criteria that would allow for a decreased density</p>
	<p>Section 10 Development Costs</p> <p>This exceeds the role of Supplementary Planning Guidance and introduces a new policy that was not considered in the LDP. It should therefore be removed.</p>	<p>No changes required: This is not a policy matter. It represents good practice as reflected in national good practice guidance by RICS and DCLG</p>
	<p>Section 11</p> <p>It is considered that where there are viability concerns, contributions may need to be prioritised. Typically infrastructure contributions will meet the CIL tests (for instance transport improvements, education contribution etc) whereas the provision of</p>	<p>Noted: No changes required</p>

	<p>other contributions not required to make a development acceptable in planning terms.</p> <p>Para 11.5 If a development proposal is not viable, then in simple terms it will not be developed. Therefore in order to avoid costly s78 appeals and meet housing needs the Council will also need to consider reduced contributions.</p>	
	<p>Section 13 Dispute Resolution</p> <p>It is our view that the costs of any dispute resolution should be shared between the developer and the Council as invariably there will be differing assumptions that feed in to the same model.</p>	<p>No changes required: It is common national practice for the developer to pay costs</p>
	<p>Affordable Housing</p> <p>The approach set out in 15.5 is likely to sterilise land for development. In order for land to come forward for development, it is necessary to secure:</p> <ul style="list-style-type: none"> • The willingness and ability of the private sector to implement a development proposal having regard to acceptable developer return. • The willingness of lenders to support investment in a development proposal. • The willingness of a land owner to sell land at an acceptable return. <p>The danger is that with the Council’s approach developers will not achieve the returns they require and landowners will not be willing to sell land. Therefore on considering viability it is of utmost importance that it is based on the fundamental premise of providing competitive returns to a willing landowner with a willing developer to enable the development to be deliverable. Indeed, in appeal ref 2179141 (Land at the Manor, Shinfield,</p>	<p>No changes required: The Affordable Housing SPG covers these issues. It is also worth noting that being aware of policy requirements when purchasing/optioning land is simply a matter of professional due diligence</p>

	<p>Reading), there was considerable variance between the Local Authority and the appellant over a number of key assumptions that fed into the viability process. This sets out a good practice approach to consideration of assumptions that feed into models based on firm local evidence. It also underlines the fact that such matters cannot be resolved prior to validation of an application and nor should it be for the Authorities subjective determination as to whether an application warrants validation or not on this matter.</p> <p>We set out our comments in relation to the Affordable Housing SPG in section 2 of this response. However, we note that it is strongly our view that detailed considerations should be subject to an updated viability appraisal that takes into account the cumulative impact of requirements sought (within this SPG), site factors (including remediation and abnormals), ensuring a competitive return and appropriately evidencing benchmark land values. In addition where other SPG's seek to introduce new standards they may have an adverse impact on viability for instance the draft New Dwellings SPG or draft Flat Conversions SPG.</p>	
	<p>Education</p> <p>The cost multipliers that are used go beyond what is required by the CIL tests. Indeed, as recognised at para. 16.8, a development may not trigger the need for a new school – rather alternative provision may be considered. Therefore in line with other Authorities' SPG in Wales the multipliers should be amended to reflect the fact that there will be different costs associated with extensions and other provisions.</p> <p>We note that a database should be maintained to confirm the number of pooled contributions towards each facility. Contributions should only be required for schemes that have been pre-costed, approved and subject to less than 5 pooled contributions.</p>	<p>No changes required: The cost multipliers represent the most up-to-date aggregated costs for education provision (based upon historical education development in Newport). Information regarding pooling is regularly updated on a Council database and informs future education requests via S106.</p>
	<p>Leisure</p>	<p>No changes required: This is the process that is already applied and implied by the SPG</p>

	<p>We note that the calculations of requirement should take into account any existing surplus in the local area. For instance, if there is a surplus of outdoor sports provision in an area then this would contribute towards meeting the requirements of a new development. To require an additional contribution where there is a surplus would not meet the CIL tests.</p>	
	<p>Local Labour and Training Initiatives</p> <p>It is noted at 20.2 that the charter is a voluntary code of practice. It is therefore open to developers to enter into such a scheme without a s106 agreement. Further it plainly does not meet the CIL tests.</p>	<p>Agreed: Reference to Local Labour and Training Initiatives is deleted from the SPG because it does not meet the three CIL tests i.e.</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development. <p>NB: The Council continue to support local labour initiatives through its strategic corporate policies</p>
<p>Home Builders Federation</p>	<p>Paragraph 5.2: Why should the return of money have to be requested by the developer if the Council has not spent it as required the responsibility for its return should be with them. Please amend wording accordingly.</p>	<p>Agreed</p>
	<p>Paragraph 6.1: The timescale of 6 months needs further explanation. If the delay has been caused by the Council then the suggested penalty would not be fair. HBF would prefer to see some form of performance agreement set out with equal penalties for both sides. If the Council causes the delay for instance then the developer should get their legal costs back. Some form of schedule of legal fees should also be set out either a flat fee or a fee based on the complexity (i.e. number of different topic areas) of the agreement.</p> <p>If the wording remains as drafted at minimum the requirement for the LPA to notify the developer of the reporting back to committee or decision by delegated powers should be stated.</p>	<p>No changes required: Delays caused by the Council result in increased time allowance beyond the 6 month period; Legal costs are justified by defined hourly rates; The six month rule is stated within the Officer Report</p>

	<p>Paragraph 6.2: HBF do not consider that the approach of a standard administration fee is supported by legislation or recent case law (Oxford case). This case suggests that a lot of the work you are suggesting charging for forms part of the planning process which has already been paid for by the planning fee. However it is accepted that this case does suggest that on particularly complex S106 agreements that a charge could be acceptable (i.e. mineral consents were there are on-going monitoring required and remediation requirements. The S106 agreement forms part of the planning application process so any negotiations are covered by the planning fee. It is good to see an acceptance of staged payments but the time scale of developments taking over 10 years is unacceptable. Stage payments instead should be linked to phases of development or where it can be clearly shown that the payment is not needed until the development reaches a certain stage.</p>	<p>Agreed: Delete requirement for 3% of planning obligation contributions and delete paragraph 6.3. It is considered that 15% of the application fee is both reasonable and proportionate and should be retained</p> <p>Agree to remove reference to the 10 year build period</p>
	<p>Paragraph 6.3: Seems to suggest on certain applications a larger fee will be looked for over and above the one set out in para 6.2, this is considered unacceptable. Larger applications will have a larger planning fee and or larger S106 contributions so the suggested formula already takes the size of an application into account. At minimum there needs to be some sort of indication of the type/size of the application where this may occur.</p>	<p>No change required: The HBF have misinterpreted the SPG. Only 15% of the application fee will be requested</p>
	<p>Paragraph 6.4: The payment of this fee up front particularly on larger application is considered unacceptable, there should be an allowance for this fee to be phased in line with the work required. For instance if phased payments are included in the S106 agreement then payment of monitoring fees should be linked to these phased payments.</p>	<p>Paragraph 6.4 has been deleted and paragraph 6.2 allows for staged payments on larger developments</p>
	<p>Paragraph 7.1: Should be reworded as the current wording suggest that all development will be expected to contribute to all of the listed areas. This is not supported by the wording of the legislation which has been quoted earlier in the document at 2.1 the key words being 'where necessary'.</p>	<p>No change required: The phrase "where appropriate" provides adequate assurance to the level of infrastructure requested</p>

	<p>Paragraph 10.1: Is an unacceptable statement on its own and should either be amended by adding the additional wording as follows:</p> <p>‘It is however accepted that not all known constraints on a site can be fully established prior to submission of an outline application stage at which time the S106 is negotiated. The developer in such cases will be required to provide viability evidence to support any request to reduce S106 contributions.’</p> <p>If this additional wording is not agree to then this para should be removed as it is not relevant to this guidance.</p>	<p>Agreed: Paragraph 10.1 to include the following text: <i>“Any unforeseen costs, not considered at the outline planning application stage, would have to be provided on an ‘open book’ basis”</i></p>
	<p>Paragraph 16.4: Third bullet would just question whether or not capacity projections over a ten year period are readily available to the public/ developers, if not the time scale should be in line with the availability of data.</p>	<p>Agreed: Firstly, replace bullet point three of paragraph 16.4: <i>“there is surplus capacity over a projected ten year period (based upon Education Department birth projections and capacity forecasts)”</i> with <i>“there is surplus capacity over the lifetime of the planning permission (based upon Education Department birth projections and capacity forecasts)”</i></p>
	<p>Paragraph 16.6: Would request a higher threshold of 20 as such a low threshold will discourage smaller builders.</p>	<p>No change required: Schemes above 5 units have historically delivered education sums. Paragraph 11 caters for any schemes with limited viability</p>
	<p>Paragraph 16.11: At the end it says all figures will be reviewed and update annually however the guidance in the document is based on 2011-12 data, should it not use the latest data available?</p>	<p>No change required: The figures represent the most up-to-date information. Education Services are currently working on revised figures that will provide an update to the 2011/12 figures</p>
	<p>Paragraph 17.3: Again the low trigger point is likely to discourage smaller builders.</p>	<p>No change required: Schemes above 5 units have historically delivered leisure sums. Paragraph 11 caters for any schemes with limited viability</p>
	<p>Paragraph 17.5: It should be made clear that the maintenance payment relates to when the Council adopt and take responsibility for the open space.</p>	<p>Agreed: Add the phrase “upon adoption”</p>
Savill’s	<p><i>Procedure</i> – while it would be preferable to have S106 Heads of</p>	<p>Agree to proposed changes.</p>

	<p>Terms submitted with the planning application, unless detailed pre-application discussions have taken place, it may not always be possible to set out the headline contributions. Lack of provision, should certainly not hold up registration of the application. Agreeing Heads of Terms is often a part of the process of determining an application –particularly for large scale initiatives</p>	<p>As such, paragraphs 3.1, 3.2 and 3.3 (of the April 2015 version) have been deleted and replaced with:</p> <p><i>“Where pre-application advice has raised a S106 issue or where adopted policy expects a planning obligation, developers are advised, if possible, to submit the following documents with their application:</i></p> <ul style="list-style-type: none"> • <i>Proof of Title – proof of ownership of all the property and/or land affected by the application site edged red. Because planning obligations run with the land, all owners, lessees and mortgagees must be signatories;</i> • <i>Draft S106 Heads of Terms;</i> • <i>Any valuation to prove eligibility for reduced contributions, accompanied by information detailing how costs were derived;</i> • <i>All other requirements outlined by the application form checklist;</i> • <i>Details of the solicitor that will be handling the case.”</i>
	<p><i>Renegotiation</i> – we support this principle, which includes the flexibility required for large scale developments where proposals span phases over many years and will face changing market conditions.</p>	<p>Noted</p>
	<p><i>Affordable Housing</i> – comments have also been submitted to the Council in relation to affordable housing provision and should be referred to in considering this section of the Planning Obligations SPG. Those relevant with reference included in this SPG include: Forms of affordable housing – the SPG should go beyond TAN 2 and allow more innovative forms of affordable housing, which may not meet the strict TAN 2 definition.</p>	<p>Comments will be dealt through the review of the Affordable Housing SPG</p>
	<p>Delivery - we support the various options available to provide affordable housing when this is not possible, feasible or practicable to deliver affordable housing on site or where there is a genuinely better alternative.</p>	<p>Noted</p>

	<p>Education (major development) – in paragraph 16.3 there is reference to ‘major development’ (where need is identified), should bear the full cost of education facilities needed to support it. While we agree that the provision of a site, the design and construction of the building and its fixtures and fittings (those that form part of the fabric of the building) are reasonably related to the provision of a school, the provision of IT equipment would not fall to the developer to provide. It is important to establish responsibilities (of both the Council and developer) from an early stage in the process and this should be done by way of pre-application discussions when the design of the building is being agreed.</p>	<p>Agreed: Reference to IT equipment has been deleted</p>
	<p>Paragraph 16.4 refers to scenarios where surplus capacity will be credited to developers. Having reviewed the three bullets, we note that the criteria is very rigid, particularly where reference is made to development being identified in the Joint Housing Land Availability Study (JHLAS). Sites included in the JHLAS register are not always certain to come forward and therefore should not be assigned available capacity for schools where there are more certain development proposals coming forward (by way of a planning application).</p>	<p>Agreed: Paragraph 16.4 has been altered to only account for a 5 year land supply i.e. <i>“surplus capacity is unlikely to be taken up by development with extant permission (including resolutions for permission within a 6 month period) and/or development identified in the published Joint Housing Land Availability Study 5 year land supply”</i>. This is a nationally recognised system and methodology (as set out in Planning Policy Wales and TAN 1)</p>
	<p>At Paragraph 16.6, we believe that it should be made clear that a contribution should only be required for the number of pupils over and above the exceeded capacity of the school i.e. not those pupils that fill the available capacity.</p>	<p>Agreed: The term “inaccessible” is added to bullet point three of paragraph 16.4 in order to clarify the issue</p>

Affordable Housing – Supplementary Planning Guidance

Table 3

Representor	Comments	Council Response
Home Builders Federation	HBF would request as have other Councils in Wales that self-build properties (definition amiable in the CIL guidance) should not be caught by this requirement.	The Council has a high affordable housing need and to meet this need a consistent approach has been developed. The policy and approach is flexible in nature and self-build projects can provide evidence to the Council to prove that their site is unviable. This approach ensures a consistent and fair approach resulting in the maximum provision of much needed affordable housing.
	Section 4 - would request a section be added around flatted developments and the willingness of the Council to understand the HA's management issues, i.e. having all the affordable in one block rather than distributed through a number of blocks.	It is understood that the management issue related to flatted development is concerning affordable service charges. The agreement of affordable services charges within a section 106 agreement will therefore enable the continued pepper potting of affordable units with market units, thereby creating a mixed community as required by national planning policy. It is important that all costs associated with affordable housing e.g. service charges or ground rent is also affordable. This is referenced in paragraph 4.24 of the document.
	HBF would request some additional wording which allow a developer to at least be able to request to work with a certain RSL, although accept that the Lath may give a good reason why they would prefer this not to happen on a case by case basis.	The Council require a developer to work with an RSL that is zoned in Newport because this allows the Council to provide Social Housing Grant to those RSLs to meet specific additional needs where identified. Social Housing Grant cannot be paid to a RSL that is not zoned in Newport.
	Some text should be included to cover the need to comply with DQR standards, which includes a number of external design requirements, and the difficulty this can create with integration of design. It would be clearly unfair for the rest of a private estate to have to be built to DQR standard. Clarification is required as I understand it the requirement for DQR only applies to affordable housing funded through WG Housing Grant. If this is the case then this needs to be made clear in the wording of this paragraph. DQR standards should not have to apply to all affordable housing.	It is considered that the requirement set out in DQR standards are considered essential by the Welsh Government. The design of aspects such as parking spaced to the front of housing and the need for a shed at the rear are all aspects of this that are considered appropriate by consultees such as the police. It is not considered that this should cause a concern and it is a requirement of all affordable housing as specified by the Welsh Government. Para. 4.32 is clear that DQR standards only apply to affordable housing.

	<p>It appears that the financial contributions required for commuter sums on sites below the threshold have been reduced from those originally consulted on. Although this is supported we are still concerned that small builders in particular will be affected by viability issues.</p> <p>An explanation is needed to why different commuter sum calculations are proposed.</p>	<p>The document sets out one set of commuted sums, the figures differ between submarket areas and bed numbers only. The basis for the calculation is set out in paragraph 5.3 of the document.</p>
	<p>What happens if the delay and inability to meet the 6 month deadline is the Councils fault, both sides should be penalised for poor performance.</p>	<p>The reasoning for delay to meet the signing of section 106 agreements within the 6 month period is in the majority of cases due to lack of information from the applicant. If the Council are at fault then there is an impact on the resulting units not being able to be used towards the housing land supply for the Council, potentially impacting on land supply.</p>
	<p>Payment of commuted sums.</p> <p>There appears to be no text relating to when the commuter sums are payable in particular with regard to the developments below the threshold in policy H4. The requirement to pay this contribution up front could have an impact on small developers who will struggle to borrow this additional money and may not be in a position to pay it until one or more of the plots is sold as the scheme will effectively be self-financing.</p>	<p>It is agreed that the SPG requires additional wording to clarify the timing of payments. Following Para. 5.11 a section about payment of commuted sums will be included. The section will read:</p> <p><i>Payments of Commuted Sums</i></p> <p><i>5.12 The timing of payments is to be agreed through the legal agreement process. Staged payments will be linked to the phasing of the development, allowing the developer to generate income prior to payment of the fee.</i></p>
	<p>Definitions</p> <p>Affordable Housing – Is there a reason why the same definition used in Tan 2 is not used as it is referred to on a number of occasions in the document? HBF would suggest the same definition is used or at least reference is made to the definition in TAN2.</p>	<p>The definition of affordable housing as set out in TAN 2 is outlined in the glossary of the document. To aid understanding and add clarity it will also be added to para. 2.4 of the document.</p>
<p>Mr M Yearsley (Planning Agent)</p>	<p>I attended an Affordable Housing SPG Workshop on the 2nd March 2015 and voiced my concerns at the levels of the proposed Commuted Sum.</p>	<p>The proposed commuted sums within the SPG have been created based on viability work, which has also evidenced the affordable housing policy within the LDP. The worked example provided here</p>

I quoted an example locally in Rhiwderin of a new detached 4 bedroom dwelling which was being considered for planning consent at that time. A CS value of £85,500 was originally quoted if the application was not determined by the time the CS came into force. I objected to this at that time through your Lindsay Christian who invited me to talk at the Workshop.

At that Workshop, this value had reduced to a figure of £63,008.

- Now it stands at £32,118 which I suggest is still too high based on the following:

Average price of plot = £85,000

Average price to build 4 bedroom detached house £150,000

Sub-Total = £235,000

Fees to develop (Architect, Structural Engineer, Solicitor, Connection Charges, etc. @ say 15% = £35,250

Sub-Total = £270,250

Average Sale Value = £305,000

Profit = £24,750

Proposed Commuted Charge = £32,118

Loss = £32,118 - £24,750 = £7,368

Based on the above the proposed Commuted Sum is still at too high a level. To break even the CS should be no more than £25,000 at the most.

- I quoted at the Workshop a Sum of £10,000 would be more equitable and still maintain this stance.

I appreciate this is but one example (albeit not untypical for this area) but serves to demonstrate that all the Commuted Sums still need to be reassessed and are too high.

allows us to gain a general understanding of a particular situation but is site specific and does not provide an alternative. The methodology used to calculate the viability of a scheme (residual valuation) is well recognised and the data used to calculate the sums are from nationally standard costs sources e.g. Acceptable Cost Guidance and BCIS. This source of data is the basis from which the commuted sum calculation has been set. It is considered a robust and evidenced based approach which will be subject to review. The suggestion of a £10,000 fee would also not be suitable as it is not evidenced.

LRM Planning Ltd	<p>The guidance contained within the draft document does raise a number of concerns, in particular that it may undermine the viability of schemes and the soundness of the Local Development Plan. Indeed, it should be underpinned by an updated and more detailed viability appraisal to demonstrate that it will not undermine the delivery of housing in the local authority area. In this regard we believe that such matters should be a collaborative approach between developers, landowners and the local authority to ensure that delivery is not compromised.</p> <p>Our responses herein are to be read in conjunction with our separate response on the wider Planning Obligations SPG above.</p> <p>Comments</p> <p>We are strongly of the view that in line with recommendations published by the Local Government Association and the HBF in England, Local Authorities should critically examine the financial implications arising from the adoption of any Supplementary Planning Guidance. Absent such a review we are fundamentally concerned that this may undermine the soundness of the plan in relation to its viability. Any proposed SPG which materially affects the viability of the Local Plan should not be progressed without an appropriate and robust viability review that is proportionate to the SPG being prepared.</p>	<p>The proposed methods of providing affordable housing, i.e. on site/off site or commuted sums, are all based on viability work undertaken for the Council. This work was initially developed to aid the development of the policy for the LDP, and the evidence showed that it was viable in Newport's submarket areas to ask for a provision of affordable housing from every new residential unit. The evidence is there to show that this requirement is a viable requirement, however it is recognised that there are many individual factors to a site and therefore the policy is worded to allow flexibility. Where a site is proven to be unviable due to this provision it will not need to provide it. There is a great need in Newport for affordable housing provision and Newport must do what it can to meet that. In this case the evidence supports this view. The methodology used to calculate the viability of a scheme (residual valuation) is well recognised and the data used to calculate the sums are from nationally standard costs sources e.g. Acceptable Cost Guidance and BCIS. This source of data is the basis from which the commuted sum calculation has been set. It is considered a robust and evidenced based approach which will be subject to review.</p>
	<p>As such before the SPG is progressed further such an assessment should be undertaken, particularly in relation to smaller sites. Indeed, the LDP is fundamentally reliant upon such sites contributing significantly to future requirements so there needs to be considerable flexibility in order to ensure that such sites continue to come forward otherwise the LDP will fail to deliver its requirements.</p>	<p>It is not considered that the LDP is fundamentally reliant on meeting the housing requirement; small sites and windfall sites make up 15% of the overall housing supply for the plan. The proposed approach has considered the impact on deliverability and it is considered that the policy and approach is flexible enough so as not to impact on this.</p>
	<p>Para 2.10 – we refer to our comments in relation to the Planning Obligations SPG which are relevant to this point.</p>	<p>Para 2.10 has been updated to reflect an amendment to the Planning Obligations SPG. Please see the response to the Planning Obligations SPG for further details. Para 2.10 will be amended to read: <i>The Council will expect applicants to have taken into account he likely</i></p>

		<i>cost of providing the affordable housing when purchasing land subject to alternative use values.</i>
	<p>5. Commuted Sums</p> <p>We are particularly concerned over the levels of payments required as commuted sums. We believe that the viability appraisal will need to be re-run to take account of, the impact of the commuted sums along with the following considerations that were omitted from the LDP viability assessment:</p> <ul style="list-style-type: none"> • the LDP strategy which relies upon brownfield sites; • the impact of proposed SPG's; • landowner aspirations (to ensure a competitive return) and developer requirements, otherwise land will simply not be available; • development costs (including site abnormalities and build costs) where there often wont be the economies of scale on small sites that exist for a larger scheme or for larger developers; • the costs of meeting building regulations (and new WG initiatives); and • mortgage requirements and the cost of borrowing (financial institutions will not lend to small builders / private individuals if they are already in negative equity from development costs). <p>Our clients have recently been involved in a number of small schemes across the city and in particular in Rural Newport. Had the small sites levy been in place at that time then the sites simply would not have been made available for development and would not have been contributing to the wider housing need.</p>	<p>The proposed methods of providing affordable housing, i.e. on site/off site or commuted sums, are all based on viability work undertaken for the Council. This work was initially developed to aid the development of the policy for the LDP, and the evidence showed that it was viable in Newport's submarket areas to ask for a provision of affordable housing from every new residential unit. The residential land methodology took into account a competitive return for both the landowner and house builder. The data used to calculate the sums are from nationally standard costs sources e.g. Acceptable Cost Guidance and BCIS. This source of data is the basis from which the commuted sum calculation has been set.</p> <p>The worked example provided here allows us to gain a general understanding of a particular situation but is site specific and does not provide an alternative to that suggested.</p>
	<p>Para 5.2 – if the monies are not to be spent in the sub market area, then the levy should fall in line with the area that it is spent.</p>	<p>The basis for the commuted sum is to provide an affordable housing provision directly from the proposed development. The charge is therefore based on the requirement set out in the specific submarket. If the money cannot be spent in that area then it will be spent in another area. It is not considered appropriate for the provision to be reduced, the affordable housing requirement is based on the specific residential application.</p>
	<p>Para 5.3 – there is a clear need for flexibility to be built to the</p>	<p>The policy is worded flexibly so that viability can be taken into account</p>

	calculations to ensure that a requirement does not render an acceptable scheme undevelopable particularly the elements that were excluded from the LDP viability assessment which we list above. Indeed, given the contribution that small sites are expected to make towards the LDP housing requirement there needs to be a safeguard to ensure that small schemes are viable. The clear monitor of this would be if small sites completions are significantly reduced.	when calculating the affordable housing provision.
Persimmon Homes	We have had an opportunity to consider the suite of draft supplementary planning guidance subject of consultation, and are satisfied with their content in the main.	Noted.
	We would however request further clarification in respect of the requirement (set out in the affordable housing SPG) for affordable housing to be built to the floor areas set out in the Welsh Government Acceptable Cost Guidance Document as we understand that this requirement is greater than the Design Quality Requirement (DQR) and as such we consider that the ACG values should be amended to reflect the additional cost of construction of any unit greater than the DQR specification.	The Acceptable Cost Guidance published by Welsh Government in April 2015 provides an explanation for the use of Notional Floor Areas for ACG. The Notional Floor Areas are provided as guidance on the expected floor areas that would be achieved if Development Quality Requirements (DQR) were implemented in full for each house or flat type listed. NFAs are not a minimum size as the main criterion should be all designs comply with DQR and not merely achieve a notional floor area. House or flat designs with full DQR compliance can be achieved with floor areas below the notional figures. However, the Welsh Government may consider designs significantly larger than the NFAs as not representing value for money. In such instances if a RSL cannot provide a suitable justification for the significant over-sizing then the SHG input may be capped.
Savills	As a headline, we support the clarity the Draft Supplementary Planning Guidance (SPG) seeks to deliver to those involved in the delivery of housing across Newport. However, we set out below a few comments seeking alterations to the document that will add clarity and improve its content and direction, particularly in the face of large scale regeneration initiatives.	Support noted.
	General Comments <i>Requirement</i> - where thresholds are proposed, the SPG sets different percentages based on the relevant sub market area (ranging from 10% to 40%). We welcome the wording contained in	The support for the flexible approach is noted. The definition of affordable housing will remain with that set out in TAN2. It is not in the authority's gift to amend the definition of national planning policy.

	<p>the policy that these figures should be seen as targets only, subject to negotiation and site specifics. It is noted, and welcomed, that the exact provision and nature of affordable housing will depend on local evidence of need and financial viability matters, which will vary for each scheme. We also strongly recommend that the target is widened to include a number of forms of housing and not just those that currently feature in Technical Advice Note (TAN) 2: Planning and Affordable Housing (June 2006) to allow for innovative forms of affordable housing provision such as developer shared equity and low cost home ownership;</p>	
	<p><i>Flexibility</i> - on larger sites (where development may span phases over many years, such as Llanwern), changing market conditions mean that a flexible approach is necessary. This is consistent with Paragraph 2.2.6 from TAN 2 (subsequently confirmed as Paragraph 10.10) and should be emphasised within the SPG and utilised in practice by the local planning authority;</p>	<p>There is no need to repeat national planning policy and therefore it is not set out again here. Reference to TAN is made so users are aware of the document. However, the policy reflects this requirement by TAN and is flexible to enable the provision of evidence to negotiate on the total provision required.</p>
	<p><i>Forms of affordable housing</i> - as alluded to above, the SPG should go beyond Section 5 of TAN 2 and allow for innovative forms of affordable housing, which may not necessarily meet the strict TAN 2 definition. This is important as schemes requiring more innovative means of sale come forward;</p>	<p>The definition of affordable housing will remain with that set out in TAN2. It is not in the authority's gift to amend the definition of national planning policy.</p>
	<p><i>Delivery</i> - we support the various options available to provide affordable housing when this is not possible, feasible or practicable to deliver affordable housing on site or where there is a genuinely better alternative. For example, we support recognition of off site delivery and commuted sums where appropriate subject to site specific negotiations. For this reason, we suggest Paragraph 5.3.4 (and other references) should not set the requirement as 'exceptional circumstances';</p>	<p>Delivery – national planning policy is clear that on site provision is preferable. It is therefore only in exceptional circumstances, which need to be evidenced and agreed, that alternative options will be considered.</p>
	<p><i>Clustering</i> - whilst we appreciate the Council's reasoning against the clustering of affordable housing units across developments, there is a need for this to be carefully balanced against matters of</p>	<p>It is understood that the management issue related to flatted development is concerning affordable service charges. The agreement of affordable services charges within a section 106 agreement will</p>

	<p>practicality and the market. For example, Registered Social Landlords (RSLs) often prefer to have affordable housing clustered to help with ease of management. Significantly dispersed and pepper-potted units make management by RSLs unfeasible; and</p>	<p>therefore enable the continued pepper potting of affordable units with market units, thereby creating a mixed community as required by national planning policy. It is important that all costs associated with affordable housing e.g. service charges or ground rent is also affordable. This is referenced in paragraph 4.24 of the document.</p>
	<p><i>Three Dragons Development Appraisal Toolkit</i> - whilst we agree that assessing viability of a scheme is an important aspect of the development process and the Three Dragons Development Toolkit can be used in this process, the terminology used in Paragraph 1.13 (subsequently confirmed as Paragraph 1.9) may be misleading and the requirement is very strict and may need more flexibility. To provide financial information on an 'open book' basis may not always be possible at the application stage and as such, 'estimated' values provided by a suitably qualified valuer or quantity surveyor should also be considered acceptable. It should also be made clear that relying on the default values of the HBF should be considered, but only if and where relevant and possible. Furthermore, values provided by a suitably qualified valuer or quantity surveyor should also be acceptable without relying solely on those values agreed by the HBF.</p>	<p>The use of the Three Dragons Toolkit is undertaken once the applicant has raised concerns over the viability of the scheme. It is considered that at this point, and to raise the issue of viability, that costs are known. It is therefore not unreasonable to require costs during the open book stage of negotiations.</p>

Archaeology & Archaeologically Sensitive Areas Supplementary Planning Guidance

Table 4

Representor	Comments	Council Response
Glamorgan Gwent Archaeological Trust Ltd (GGAT)	<p>We appreciate that within this, there is due regard for the historic and cultural environment, and that detailed processes and recommendations for the protection and management of the built heritage and archaeological resource are made. The Archaeologically Sensitive Areas within the SPG remain appropriate and currently do not require changes.</p>	<p>Noted.</p>
	<p>The flow chart for illustrating the archaeological planning processes is out of date, and a copy of the current chart will be sent with this</p>	<p>The flowchart (fig 3) is not out of date but provides a more simplistic overview of the development management process which is</p>

	<p>response.</p>	<p>considered appropriate for inclusion in order to give the reader a basic understanding of the process. The flowchart submitted by GGAT describes the process in much more detail. This flowchart will be added to the SPG appendix should readers require a more detailed understanding of the process. The description of Figure 3 will be amended to note a more detailed description of the process can be viewed in Appendix D.</p>
	<p>It should be noted that with the expected Heritage Bill that the statutory requirements and responsibilities may change and that processes may change as a result. However, until the detail of that is known, the SPG for archaeology remains a suitable document. We will continue working within this framework to assist in delivering these actions.</p> <p>Thank you for the opportunity to comment, please do not hesitate to contact us if you require further advice or information.</p>	<p>Noted.</p>
<p>Tidal Lagoon Power</p>	<p>The draft SPG proposed designation of The Levels as an Archaeologically Sensitive Area. I note from the draft SPG that these areas are identified for designation and defined following appraisal by GGAT Curatorial. It is understood that the intention of this guidance is to trigger a process intended to meet existing policy, i.e. provide/articulate up-front advice from GGAT Curatorial. It is also understood that if a development site is in an ASA then the expectation is that developers initiate early discussions with the LPA and GGAT regarding the possible impact of the development on the archaeological resource and how that effect might be mitigated.</p> <p>In line with the intention to take a more strategic approach to advising on archaeology as set out in the SPG, we recommend consideration of making available to developers the evidence that led to GGAT Curatorial identifying and designating The Levels ASA, in order to help inform the process set out in the SPG, and to inform development feasibility. This should lead to developers being able to have more informed discussions with GGAT.</p>	<p>The Gwent Levels has already been designated as an Archaeologically Sensitive Area and the SPG is simply reflecting this as a statement of fact.</p> <p>A comprehensive assessment with regard to the archaeological interest of the Gwent Levels can be viewed on the GGAT website: www.ggat.org.uk The website provides an interactive map of the Gwent Level s which splits The Levels into 21 distinct areas which can be selected to unveil further information to the user.</p> <p>The SPG references the GGAT website in the contacts section.</p>
<p>LRM Planning Ltd</p>	<p>We are supportive of an appropriate level of information being</p>	<p>General support noted.</p>

	<p>submitted with any planning application – with detailed site investigations as part of the post application procedure if required. As it stands, we are concerned that the SPG lacks clarity and conflicts with itself and Welsh Government guidance. As such our comments in relation to the Archaeology SPG are as follows:</p> <p>5.1.2 Development Management This paragraph should be amended as national guidance favours preservation in situ if required. Plainly this will depend upon individual circumstances, but where such preservation of meritorious archaeology is required, as set out in para 2.2.2 of the SPG, as long as Welsh Government guidance is followed it would not necessarily lead to refusal of a planning application.</p>	<p>Paragraph 5.1.2 simply notes that planning permission can be refused in exceptional circumstance if the archaeology is deemed particularly meritorious. This statement is correct.</p> <p>No changes are considered necessary.</p>
	<p>5.3 Archaeological Assessment We are concerned that the within the document there are conflicting messages over the level of information required at differing stages. It should be made clear that it is entirely appropriate for detailed site investigations to be undertaken as a condition of any planning application and prior to commencement of development. There is significant precedent and case law on such timing. Desk Based Assessments setting out a future recommended programme of works (if needed) will be sufficient to support planning applications. Indeed, it is onerous and unnecessary to require field investigations prior to planning permission being granted, in many cases it will simply not be possible to undertake such studies particularly on brownfield sites that will require demolitions and concrete excavations. This is in accordance with the model planning condition that is cited in the SPG.</p>	<p>It is not considered that the SPG gives conflicting messages. The level of information that is necessary to accompany a planning application may vary depending on the quality or potential quality of archaeological material being considered. The SPG consistently recommends consultation and liaison with GGAT with regard to proposals that may impact on Archaeological Sensitive Areas.</p> <p>No changes are considered necessary.</p>
	<p>Section 5.5 should be amended to draw a clear distinction between the initial assessment undertaken to inform a planning decision and any subsequent pre-commencement investigation that is necessary. This is reflected in para 5.6 which distinguishes between these periods.</p>	<p>The SPG is considered sufficiently clear.</p> <p>No changes are considered necessary.</p>

	<p>It is our experience that suitable programmes of investigation can be agreed and undertaken through an appropriate condition and not through a s106 agreement (as is suggested in para 5.9.1) and s106 should only be used where a condition is no appropriate.</p> <p>It is further noted within the model conditions guidance that “Conditions should not require work to be held up while archaeological investigation takes place, though some developers may be willing to give such facilities.”</p> <p>It should also be clear whether this relates to sites that are not within ASA’s.</p>	<p>The use of S106 is endorsed by Circular 60/96 Paragraph 20 and also PPW paragraph 6.5.3.</p> <p>No changes considered necessary.</p>
	<p>The purpose of para 5.8.2 is unclear, the options open to a landowner are clearly set out elsewhere and derived from Welsh Government guidance.</p>	<p>The paragraph is in accordance with PPW.</p> <p>No changes are considered necessary.</p>

Wildlife and Development Supplementary Planning Guidance

Table 5

Representor	Comments	Council Response
Natural Resources Wales	We note the adjustments from the current SPG to align with Local Development Plan and welcome this proposed SPG.	Noted.
Gwent Wildlife Trust	<p>Gwent Wildlife Trust is strongly supportive of the Biodiversity and Development SPG. We regard Newport City Council to be demonstrating best practice in producing clear and comprehensive guidance regarding biodiversity and planning. This is particularly important for the Newport area, as it is both an area of growth and an area of high importance for wildlife, so it is critical that development is directed in such a way that preserves and enhances the natural capital present within the area.</p> <p>We particularly support the following principles within the SPG:</p> <ul style="list-style-type: none"> • Clear explanation of legal and policy framework 	Support Noted.

	<ul style="list-style-type: none"> • Specific advice for householder applicants • Emphasis on the need for biodiversity to be considered at an early stage • Strict requirements for appropriate surveys prior to submission • Use of the South Wales Biodiversity Records Centre (SEWBRcC) • Use of the 'mitigation hierarchy' • Protection and improvement of ecological connectivity • Promotion of biodiversity enhancement • Consideration of ongoing management needs for retained and created features. 	
	<p>We would like to suggest the following minor amendments:</p> <ul style="list-style-type: none"> • It should be noted that the forthcoming Environment Bill is likely to strengthen the NERC duty and place a greater responsibility for conserving and enhancing biodiversity onto public bodies. Developers should be aware of this obligation and the role of the planning process in meeting it. 	<p>It is not considered appropriate to reference the Environment Bill at this time because it can alter between this period and its royal ascent anticipated in summer 2016.</p>
	<ul style="list-style-type: none"> • Table 1 incorrectly classifies the Wildlife and Countryside Act and Badgers Act as international importance. They are national legislation. 	<p>Agree that the Wildlife and Countryside Act and Badgers Act are incorrectly referenced an international legislation in table 1on page 9 of the SPG. This will be amended to reflect its national status.</p>
	<ul style="list-style-type: none"> • Figure 1 refers to CCW and EA, instead of NRW. 	<p>Reference to CCW and EA will be updated to refer to NRW in Figure 1</p>
	<ul style="list-style-type: none"> • We would like householders, as well as general developers, to be directed to IEEM (Section 4.0) 	<p>It is not considered appropriate to reference IEEM at the householder level. Such a technical process is ideal for professional groups and householders will be advised to contact the Council's ecologist for information and advice.</p>
	<ul style="list-style-type: none"> • We would like householders to be referred to sources of advice for enhancements, such as the council biodiversity officer or local wildlife trust (Section 4.0) 	<p>Section 4.0 already references enhancement ideas on page 12 and therefore no amendment will be made to the document.</p>

	<ul style="list-style-type: none"> We would like consideration of wildlife at the design stage (Section 5.0), rather than pre-application. The earlier that biodiversity issues are addressed, the better the outcome for wildlife. 	<p>The pre-application stage allows applicants to consider the possible impacts and constraints on the site to then go and design a scheme for consideration. For this reason it does not seem appropriate to add the proposed additional text because it would duplicate this advice.</p>
	<ul style="list-style-type: none"> We would like our website and contact details listed as a source of further information and advice. 	<p>The role of GWT is referenced in the document, however it is not considered appropriate to add contact details as this may aggrieve other groups who are not mentioned.</p>
<p>Gwent Ornithological Society</p>	<p>The speeding up of the planning process for development is a worry as this implies a lesser protection level for wildlife. There should be no reduction in protection of biodiversity in the new plan, by removal of any of the current measures.</p>	<p>Protection of wildlife is a clear consideration in the planning process and there has been no removal of protection measures either in the LDP or this SPG.</p>
	<p>One particular point on page 12 with regard to development on Barn Owl sites: I would like to make the case for the same protection to be given to the Swift. This bird is in significant decline, to a large extent caused by home "improvements" where access inside soffit/roof space has been blocked off. The birds are absolutely site specific and return to the same breeding sites, killing themselves in impacts, caused by an attempt to access the same site they have used in previous years. If householders place Swift nestboxes on the outside of their building close to the original entry point, they will quite often use these and successfully breed. This additional protection for Swifts would cost very little, but would help to ensure the continued wonderful sounds of Swift screams around Newport and neighbouring towns and villages. So, I would ask you to help pro-actively conserve this wonderful bird by having a clause something like "Before any work commences applicants need to check for signs of Swift presence, and their historic use of the building (neighbours or SEWBREC may have this information). If Swifts are found, compensation proposals should include providing nest boxes on the building (or structure) in the vicinity of the Swift nest entry point to the building," added to the Wildlife and development SPG.</p>	<p>It is considered that the impact from development onto swifts is covered by the document, in section 4.0. However, the proposed wording to warn applicants to check for species prior to work will be added to the second paragraph in section 4.0 on page 11. The paragraph will be amended to read:</p> <p><i>'If you are a householder Applicant you will need to consider: Bats, Nesting Birds, Barn owls and Great crested newts. Bats, Nesting Birds, Barn owls are all species which regularly use buildings to nest or 'roost' in. Great crested newts are often found in garden ponds, canals and ditches. Prior to any works it is advised that applicants check for signs of these species and contact the Councils ecologist for advice. If any of these species are found then this may result in the need for compensation in a proposed development'</i></p>

House Extensions & Domestic Outbuildings Supplementary Planning Guidance

Table 6

Representor	Comments	Council Response
<p>NCC Development Management</p>	<p>The following response has been drafted as a result of a review of the draft SPG by NCC Planning Officers. The SPG has been reviewed and over the last few months has been tested in relation to actual planning proposals. Several key appeal decisions have also been tested in order to establish whether some of the newly proposed tests and guidance would be of use of officers or may become a hindrance during the decision making process.</p> <p>In my view a successful Supplementary Planning Guidance document should act on two levels. The first would be to provide assistance to planning officers who are determining proposals. The second would be to exist as a guidance document for developers and members of the public that are planning their own developments. Particularly in the case of householder developments a SPG should be clearly written and presented and should be relatively easy to understand in terms of the design guidance and types of assessments that officers are required to make throughout the application process.</p> <p>The draft SPG is lengthy. In certain sections it is difficult to understand and as such in my opinion requires revision in order to be able to function as a guidance document for both Planning Officers and developers. Much of the guidance that has been retained from the former SPG is considered to remain pertinent and is welcome. However, several new sections have been introduced that do not seem to provide assistance to either officers or developers and based on test assessments of this new guidance is unnecessary.</p> <p>The most confusing new section has been added into the section that provides guidance on impacts of development on privacy. A new test has been introduced involving 'Original Central Points' and</p>	<p>We recognise that Development Management Officers have applied the draft SPG to real life situations in a test scenario. If some of the proposed new tests are considered of little use or potentially confusing, then it is agreed that they should be removed. The following changes are proposed:</p> <ul style="list-style-type: none"> • 4.3.1 – sentence deleted • 5.3.3 – reference to diagram associated with specific policy changed to reference to figure (including page number). • 5.3.4 – quotation marks deleted; guidance note now refers to two-storey side extension <u>or</u> first-floor side extension above existing ground-floor section. • 5.5.3 – HEDO 4.1 changed; subsequent figures and notes deleted • 5.5.4 – HEDO 4.2 deleted; subsequent figures and notes deleted • 5.6.2 – Note: now refers to figure instead of diagram associated with a specific policy. • 5.7.5 – HEDO 6.3 – “any” changed to “an” • 5.7.11 – wording changed • 5.9.2 – HEDO 8.1 – notes added. 5.9.3 – HEDO 8.2 changed; subsequent figures and notes deleted; note added to HEDO 8.2 (When judging whether the distance between a high-level protected window and a neighbouring garden is suitable, the council will consider, amongst other things, the shape, size and layout of the garden and the effects of ground levels, outbuildings and boundary treatments (e.g. hedges and fences).

'Adjusted Central Points' and the protection of 'Quasi-Courtyards'. The concepts behind this test are confusing and combined with some of the terminology used it does not give clear guidance on how developments should be designed to protect privacy. This test has been applied to several former appeal decisions where the reason for refusal was the loss of privacy to neighbouring occupiers. In both cases found the proposals appeared to pass the new tests so would be considered acceptable. However, in both cases the Inspector dismissed the appeals. Resubmitted applications involving the removal of the contentious windows were subsequently granted. In my opinion guidance with regards to the protection of privacy does not need to be overly complicated, nor did it ever seem as though a specific test would help to aid officer assessments. General guidance with regards to a few examples of good and bad design along with an overview of potential mitigating circumstances would suffice. I would expect this kind of overview to take up no more than 2-3 pages.

The retention of the daylight tests from the former SPG is welcome. However, I am concerned by the inclusion of a new section that seems to suggest that properties not aligned with each other could be allowed to have two storey extensions that would not comply with the tests. I do not feel that this should be included as it could lead to arguments about how the test should be applied. It seems to infer that it would be acceptable for the tests to be failed, but does not give any examples of when this may be the case (i.e. due to site topography or the orientation of the properties to the movement of the sun). I do feel that some explanation of how the tests are applied may be necessary, but I am unsure about some of the diagrams used and examples shown.

Some guidance in relation to balconies and outbuildings is welcome, but the tests introduced in relation to balconies are likely to be difficult to understand for many developers and seem generally unnecessary. Again a general overview of the design issues and design principles of what would be most likely to be considered

- 5.9.4 – deleted
- 5.9.5 – deleted; subsequent diagrams and notes deleted
- 5.9.6 – deleted; subsequent diagrams and notes deleted
- 5.9.7 – deleted; subsequent diagrams and notes deleted
- 5.11.2 – references to sections deleted; wording change
- 6.1 – reference to Parking Standards SPG updated

Figures deleted:

- 11
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acceptable should suffice.

In general it is considered that many of the new tests are unnecessary. The inclusion of numerous tests would actually remove an officer's opportunity to make a balanced assessment in some cases. In most cases an officer's experience (and managers' in the case of less experienced officers) would allow them to properly consider impacts of proposed developments on privacy (for example) without the need for tests to assist. The addition of new tests is also likely to generate overly long and complicated objections. I have had experience recently with an Ombudsman complaint being made with regards to the incorrect application of the daylight test. The Ombudsman complaint was not upheld, but in the event that an officer is expected to undertake 4-5 specific tests for different issues I feel that future complaints may become more difficult to defend. I realise that the SPG is guidance and that all of the new tests may not be relevant to certain proposals, but I do feel that the guidance given needs to be made more concise so that the principles of good design are better communicated to both officers and developers.

There is also some terminology and phrasing that I feel would be confusing to less experienced officers and members of the public. Adopting a standardised approach to certain would be beneficial. For example, various references are made to 'townscape' and 'cityscape'. Officers generally refer to 'street scene' when discussing the wider view of a development and I feel that since this is a common term in Officer reports it should be adopted into the SPG.

This is not an entirely exhaustive review of the draft SPG and as stated above I would welcome a joint review of the SPG between Planning Policy and Planning Officers. Hopefully in the event that this review is undertaken a document can be drafted that would be considered to benefit all parties and help to strengthen the development plan policies that form the basis of officer assessments.

Natural Resources Wales	<i>Section 4.1.5.1. requires adjustment. We recommend it is replaced with text to the effect: “Dwellings, outbuildings and their curtilages may support species that are protected in law and which may be material to planning decisions, such as bats, barn owls, swallows and house martins. It is therefore recommended that advice is considered in relation to works and planning proposals. The Wildlife and Development SPG outlines the range of potential considerations. Further advice may be found Via the Natural Resources Wales website: http://naturalresources.wales “</i>	Sentence edited: Dwellings, as well as their outbuildings and curtilages, may support protected species that are material to planning decisions, such as bats, barn owls, swallows and house martins. The Wildlife and Development SPG outlines a range of potential considerations in planning proposals. Further advice may be found via the Natural Resources website (http://naturalresources.wales).
Gwent Wildlife Trust	Whilst Gwent Wildlife Trust welcomes reference to protected species within this SPG, we are concerned that the advice is misleading. Swallows, house martins and barn owls are not the only species to nest in buildings. We recommend a more general referral statement such as ‘Works on buildings may affect legally protected species such as bats or nesting birds. Please refer to the Wildlife and Development SPG for further advice.’	See above response to Natural Resources Wales.

New Dwellings Supplementary Planning Guidance

Table 7

Representor	Comments	Council Response
NCC Development Management	Comments made in relation to House Extensions and Domestic Outbuildings SPG pertain to certain sections of the New Dwellings SPG (tests and guidance relating to privacy deemed excessively complicated).	<p>Planning Policy has made the following changes to the document:</p> <ul style="list-style-type: none"> • 5.2.1 – units (square metres) included in table • 5.6.2 – notes (iii) and (iv) deleted • 5.7 – text and figures deleted; guidance notes

		<p>simplified</p> <p>Figures deleted:</p> <ul style="list-style-type: none"> • 16 • 17 • 18 • 19 • 20 • 21 • 22 • 23 • 24 • 25 • 26 • 27 • 28
LRM Planning Ltd	<p>5.2 Requirements for private amenity space</p> <p>These should be aspirational not minimum standards.</p>	<p>Requirements for amenity space — it is felt that the use of “should” instead of “must” conveys the aspirational nature of the guidance.</p>
	<p>5.3 Sustainability</p> <p>Such measures are dealt with through building regulations. Therefore these criteria are aspirational and it is down to the developer whether to exceed statutory requirements that cannot be imposed by SPG.</p>	<p>Sustainability — it is reasonable to suggest that new residential development ought to achieve certain things. The use of the word “should” instead of “must” conveys the aspirational nature of the guidance.</p>
	<p>5.5 New Flats</p> <p>The requirements for space standards are aspirational, therefore should be an aspiration and</p>	<p>New flats (floor space) — it is felt that the proposed floor-space</p>

	<p>not a minima. It is unlikely that a number of brownfield sites and smaller schemes will be considered developable against the proposed requirements therefore in order to meet the significant housing requirements for the County, flexibility must be built in to ensure delivery. With regards to the positioning of living rooms and bedrooms, this needs to be considered on a site by site basis and as long as sufficient noise insulation is provided between neighbouring plots such a requirement could unduly restrict the conversion of buildings to flats.</p>	<p>requirements are rather modest; at any rate, the SPG would not prevent the LPA from using its discretion when determining planning applications (that is, it would continue to consider economic and geographical constraints); nonetheless, paragraph 5.5.2 now refers to “desired standards” instead of “minimum standards”. New flats (positions of rooms) — “unless the fabric of the building contains suitable acoustic insulation” has been added to the final sentence of 5.5.1.</p>
	<p>5.6 New Houses</p> <p>The sizes of back gardens must be an aspiration and not an absolute requirement. It is unlikely that a number of brownfield sites and smaller schemes will be considered developable against the proposed requirements therefore in order to meet the significant housing requirements for the County flexibility must be built in to ensure delivery.</p> <p>For both new homes and new flats, the scale parameters will generally be set by the local context appraisal undertaken as part of the Design and Access Statement. Any variation from this will result in incongruous development that fails to harmonise with its surroundings.</p> <p>We consider that the introduction of minimum standards exceeds the remit of SPG and should be amended to become aspirational targets. It is noted that private developers and affordable housing providers have their own requirements that they must meet. Furthermore, additional costs will impact upon development viability.</p>	<p>New houses (dimensions of gardens and amenity space) — it is felt that the use of “should” instead of “must” conveys the aspirational nature of the guidance; it seems unlikely that the proposed garden dimensions, which are actually fairly modest, would result in incongruous development; it is not felt that minimum standards/expectations are inappropriate for SPG; nonetheless the wording of the ND 5.2 has been changed to “A new block of flats should provide communal amenity space in</p>

		accordance with the following table”; lastly, the SPG would not prevent the LDP from using discretion when determining planning applications.
	Para 6.2.5- there is no reason why a dwellings cannot be more than 45m from an adopted highway as long as it meets appropriate planning requirements. Therefore this should be removed.	New dwellings (distance between house and highway) — this guidance note is based on building regulations; it is not a planning issue, but there does need to be consistency between the disciplines; the LPA will remove the guidance note.
	Para 7.6.2 - the requirement for grass or planted verges to bound main roads extends beyond the remit of SPG. Such provision should only be considered as part of the overall design approach to a site. On smaller sites this could significantly impact upon viability and delivery.	Para 7.6.2 — this guidance note expands on, and is consistent with, LDP policy H2; therefore, the SPG accords with section 5 of Local Development Plans Wales; at any rate, it is not clear how the LPA would approach the “overall design approach to a site” without having some guidance (which sets out its expectations) to refer to; it is debatable whether small sites would contain “main roads”, and the LPA would always be able to use discretion when determining planning applications.
	Para 7.8 - the protection of woodlands and trees is more appropriately dealt with on a site by site basis through a tree survey rather than a blanket set of assumptions that may or may not	Para 7.8 — the four points are general in nature and hardly

	<p>be relevant.</p> <p>We are concerned that the cumulative impact of the SPG in its present form will be to adversely affect site viability and inhibit development rather than help provide guidance. We consider that it extends far beyond the remit of SPG by introducing new policies that when combined will render the LDP unsound. Indeed, in other draft SPG the Authority seek to use 30 dwellings per ha as a guide for development, yet within this SPG additional standards and space requirements are applied that will adversely impact upon the ability to achieve that density and impact upon site viability (by adding significantly to the costs). Plainly therefore such standards should be aspirations of the Council and not minimum standards which will render the LDP undeliverable and unsound.</p>	<p>onerous; they are principles that would help to inform a tree survey; without them, developers would have almost no idea about the LPA's expectations.</p> <p>Conclusion — the SPG doesn't introduce new policies; it introduces guidance notes that expand on, and are consistent with, LDP policies; references to minimum standards have been removed, but the SPG makes it clear that new development <i>should</i> (not <i>must</i>) meet certain standards.</p> <p>All references to <i>minimum</i> standards changed to <i>desired</i> standards.</p> <p>Parking standards — “must comply” changed to “should comply”.</p>
Gwent Wildlife Trust	<p><i>Section 4.8:</i></p> <p><i>Gwent Wildlife Trust welcomes reference to wildlife within this SPG. We recommend a slight amendment to give greater inclusivity, as ecological issues are not restricted to protected species. 'It is also recommended that developers, with the assistance of qualified ecologists, use the Local Record Centre (SEWBRc-South East Wales Biological Records Centre) to determine the presence of designated sites, protected or priority species and habitats on, or adjacent to, the application site. The council will seek formal advice from Natural Resources Wales in respect of European Protected Species and internationally and nationally designated sites.'</i></p>	<p>This section of paragraph 4.8.1 now reads:</p> <p>It is also recommended that developers, with the assistance of qualified ecologists, use the Local Record Centre (SEWBRc-South East Wales Biological Records</p>

		Centre) to determine the presence of designated sites, habitats and protected or priority species on, or adjacent to, the application site. The council will seek formal advice from Natural Resources Wales in respect of European Protected Species and internationally and nationally designated sites.
Home Builders Federation	HBF are concern that the Council is setting minimum space standards for flats, and think that there should be additional wording to allow some flexibility where agreement is reached between the council and developer to develop properties below the size identified.	It is felt that the proposed floor-space requirements are rather modest; at any rate, the SPG would not prevent the LPA from using its discretion when determining planning applications (that is, it would continue to consider economic and geographical constraints); nonetheless, paragraph 5.5.2 now refers to “desired standards” instead of “minimum standards”.
Natural Resources Wales	<p>We recommend that policy section makes reference to LDP Policy SP3 in addition to the reference to TAN 15.</p> <p>Section 7.7 outlines the use of buffer strips in relation to the protection of woodlands and woodland edges. We recommend that the potential use of buffer strips should also be referenced in relation to the protection of individual trees or groups of trees, where there is good reason, including when the trees themselves are outside the development site.</p>	<p>TAN 15 — accompanying text updated (consistent with Flat Conversions SPG).</p> <p>LDP Policy SP3 — reference included in section about local policy.</p> <p>Buffer strips — LPA to consult Green Services about proposed changed.</p>

<p>Housing Strategy and Development</p>	<p>Comments From Housing Strategy & Development regarding Flat Conversion SPG</p> <p>I have grave concerns that the proposed SPG for Flat Conversions will not ensure that occupants of converted flats will have reasonable living conditions which are fit for purpose and sustainable in the long term.</p> <p>The policy states that it is essential that converted flats offer their occupants reasonable living conditions, and that this relates to space standards. The proposal suggests minimum space standards which relate to Houses In Multiple occupancy where facilities are shared, which are wholly inadequate in providing reasonable living conditions in a self-contained unit.</p> <p>The Tetlow King Report on Space Standards states that:- “There can be little doubt that space standards are now in principle capable of being considered a material planning consideration and a component of sustainable development.”</p> <p>The main benefit of setting minimum space standards is to:-</p> <ul style="list-style-type: none"> • Reduce the chance that property adversely affects the occupants health and wellbeing • Becomes obsolescent in an unacceptably short period of time • Is suitable for the needs of the community <p>Flat conversion sizes within other Local Authority Policies</p> <table border="1" data-bbox="371 820 1615 1378"> <thead> <tr> <th>LA</th> <th>studio</th> <th>1 bed</th> <th>2 bed</th> <th>3 bed</th> <th>4 bed</th> </tr> </thead> <tbody> <tr> <td>Lambeth</td> <td>37</td> <td>45</td> <td>60</td> <td>70</td> <td>85</td> </tr> <tr> <td>GLC</td> <td>37</td> <td>50</td> <td>61</td> <td>74</td> <td>90</td> </tr> <tr> <td>Plymouth</td> <td></td> <td>40</td> <td>55</td> <td>65</td> <td>75</td> </tr> <tr> <td>Norwich</td> <td></td> <td>32</td> <td>40</td> <td>49</td> <td></td> </tr> <tr> <td>Blackpool</td> <td>66</td> <td>66</td> <td>77</td> <td>81</td> <td></td> </tr> <tr> <td>Denbigh</td> <td></td> <td>50</td> <td>65</td> <td>80</td> <td>100</td> </tr> <tr> <td>Portsmouth</td> <td></td> <td>45</td> <td>60</td> <td>75</td> <td></td> </tr> <tr> <td>Middlesborough</td> <td></td> <td>51</td> <td>66</td> <td>93</td> <td>106</td> </tr> <tr> <td>York</td> <td></td> <td>51</td> <td>66</td> <td>93</td> <td>106</td> </tr> <tr> <td>Adur & Worthing</td> <td>30</td> <td>45</td> <td>57</td> <td>70</td> <td></td> </tr> <tr> <td>CLG</td> <td>38</td> <td>47</td> <td>60</td> <td>73</td> <td></td> </tr> <tr> <td>DQR compliant</td> <td>32</td> <td>46</td> <td>59</td> <td></td> <td></td> </tr> <tr> <td>Average</td> <td>41</td> <td>47.45</td> <td>60.63</td> <td>74.81</td> <td>93.66</td> </tr> </tbody> </table>	LA	studio	1 bed	2 bed	3 bed	4 bed	Lambeth	37	45	60	70	85	GLC	37	50	61	74	90	Plymouth		40	55	65	75	Norwich		32	40	49		Blackpool	66	66	77	81		Denbigh		50	65	80	100	Portsmouth		45	60	75		Middlesborough		51	66	93	106	York		51	66	93	106	Adur & Worthing	30	45	57	70		CLG	38	47	60	73		DQR compliant	32	46	59			Average	41	47.45	60.63	74.81	93.66	<p>New standards for gross internal floor space have been added to the SPG based on the standards used in other authorities. It is considered that these will provide adequate living standards to residents. On reflection, it is not considered appropriate to prescribe sizes for specific rooms. Such an approach is inflexible and may be difficult to apply to certain types of developments (e.g. those with lounge/diners).</p>
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	<p>The table shows the minimum sizes allowed within other local authority planning policies and those proposed by CLG and Welsh Government. Properties below these sizes would have a significant impact on the health and wellbeing of the occupant and would result in a higher turnover of tenants within properties, increased management issues and void loss; and would not add to the sustainable housing provision within the City.</p> <p>5.2.1 ii relates to Basement flats and states that where they offer no windows or windows with very limited outlook that they are unlikely to be acceptable – in other Local Authority’s policy this is clearly unacceptable as again the health and wellbeing of future occupants would be compromised.</p> <p>5.8.1 Refers to converted roof spaces and states they should offer sufficient natural light, but there does not appear to be a reference to acceptable ceiling heights and again potentially would adversely affect the wellbeing of future occupants and the sustainability of the unit being created. Please see the attached extracts for Adur & Worthing, Blackpool, Denbigh and Lambeth.</p> <p>I therefore respectfully request that these issues are reviewed and the housing department would welcome the opportunity to be involved in any further discussions.</p>	
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Flat Conversions Supplementary Planning Guidance ([please click here for version to be adopted](#))

Table 8

Representor	Comments	Council Response
Theatres Trust	<p>The Theatres Trust strongly supports the inclusion of Section 5.5 on Noise attenuation requirements in the Flat Conversion SPG.</p> <p>Having a residential use in close proximity to cultural facilities such as a theatre, pub, or a live music or performance venue inevitably creates serious issues for both the venue and the new residents. In order to protect the ongoing operation of an existing cultural facility, any new development needs to ensure that it will not put new residents in a position where they may be disturbed by the usual operation and use of the venue to the extent that the Council would be required to take any action.</p> <p>Two recent Planning Inspectorate decisions should be noted. One (Reference APP/X5990/A/12) to refuse consent for conversion of offices to residential adjacent to the London Palladium Theatre (City of Westminster), and another (Reference APP/K5600/A/14/2222551) to</p>	<p>The planning department routinely consults Environmental Health (EH) regarding flat-conversion proposals. It is likely that EH would identify the uses surrounding a proposed conversion and seek to establish local noise levels throughout the day and night. In such cases, it is likely that planning permission would be granted only on the condition that the developer</p>

	<p>dismiss an appeal for the creation three residential units on the upper levels of the building containing the Finborough Theatre, London (Royal Borough of Kensington and Chelsea). The Inspectors concluded in both cases that there would be harm to future residents’ living conditions in respect of disturbance from normal operation of the performance venues.</p> <p>Therefore, any change of use to a residential use next to an existing cultural facility (and indeed other noise generating uses) should be subject to the full planning permission process so that a suitable Noise and Vibration Impact Assessment is required to ensure appropriate noise mitigation measures are considered and incorporated into the dwelling(s).</p> <p>We strongly suggest that similar criteria be incorporated into the other SPGs, particularly the SPG for New Dwellings.</p>	<p>submit (acceptable) details of acoustic insulation before commencing development or allowing the flat to be occupied.</p>
<p>NCC Development Management</p>	<p>Comments provided in relation to House Extensions SPG pertain to sections of the Flat Conversions SPG (tests for privacy excessively complicated).</p>	<p>5.9 — Several tests, figures and accompanying text deleted; guidance notes simplified.</p> <p>Figures deleted: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.</p>
<p>LRM Planning Ltd</p>	<p>As with new dwellings, detailed guidance on design matters is generally to be welcomed, it can help inform the design process prior to submission of an application and reduce the time taken to consider the merits of a scheme during the determination process. However, we have a number of concerns where the draft SPG includes onerous requirements that go beyond the scope of SPG.</p> <p>Para 5.3 Internal layout</p> <p>Standards should be aspirational rather than minima standards and be dealt with on a case by case basis. With regards to the positioning of living rooms and bedrooms, this needs to be considered on a site by site basis and as long as sufficient noise insulation is provided between neighbouring plots such a requirement could unduly restrict the conversion of buildings to flats.</p>	<p>Minimum room sizes — it is felt that the use of “should” instead of “must” conveys the aspiration nature of the requirements. Desired sizes of actual units as opposed to room sizes are used instead.</p> <p>Layout — “unless the fabric of the building contains suitable acoustic insulation” has been added to the final sentence of 5.3.3.</p>

	<p>Para 5.7.1 - Such matters should be considered on a site by site basis. The use of rear accesses may not be a safer approach and significant alteration work could render such conversions unviable.</p>	<p>5.7.1 — shared entrance — the council would not permit an entrance that is shared by commercial and residential occupants.</p> <p>5.7.1 — rear passageway — will remove “already used extensively for that purpose” from the sentence.</p>
Natural Resources Wales	<p><i>Section 4.11.1 requires adjustment. We recommend it is replaced with text to the effect:</i></p> <p><i>“Dwellings, outbuildings and their curtilages may support species that are protected in law and which may be material to planning decisions, such as bats, barn owls, swallows and house martins. It is therefore recommended that advice is considered in relation to works and planning proposals. The Wildlife and Development SPG outlines the range of potential considerations. Further advice may be found Via the Natural Resources Wales website: http://naturalresources.wales “</i></p> <p><i>Flat conversions have the potential to increase the consequences of flooding either via the introduction of a highly vulnerable development use, where previously there was a lower vulnerability use, or via an intensification of the number of people using the property.</i></p>	<p>Sentence changed to:</p> <p>Dwellings, as well as their outbuildings and curtilages, may support protected species that are material to planning decisions, such as bats, barn owls, swallows and house martins. The Wildlife and Development SPG outlines a range of potential considerations in planning proposals. Further advice may be found via the Natural Resources website (http://naturalresources.wales).</p>
	<p><i>We recommend that reference is made to LDP Policy SP3 and the potential requirements of TAN 15 / national guidance.</i></p>	<p>Flooding — policy section updated — now contains references to LDP policy SP3 and TAN 15.</p>
Housing Strategy and Development	<p>Comments From Housing Strategy & Development regarding Flat Conversion SPG</p> <p>I have grave concerns that the proposed SPG for Flat Conversions will not ensure that occupants of converted flats will have reasonable living conditions which are fit for purpose and sustainable in the long term.</p> <p>The policy states that it is essential that converted flats offer their occupants reasonable living</p>	<p>New standards for gross internal floor space established in SPG. It is considered that these will provide adequate living standards to residents. On reflection, it is</p>

conditions, and that this relates to space standards. The proposal suggests minimum space standards which relate to Houses In Multiple occupancy where facilities are shared, which are wholly inadequate in providing reasonable living conditions in a self-contained unit.

The Tetlow King Report on Space Standards states that:-

“There can be little doubt that space standards are now in principle capable of being considered a material planning consideration and a component of sustainable development.”

The main benefit of setting minimum space standards is to:-

- Reduce the chance that property adversely affects the occupants health and wellbeing
- Becomes obsolescent in an unacceptably short period of time
- Is suitable for the needs of the community

Flat conversion sizes within other Local Authority Policies

LA	studio	1 bed	2 bed	3 bed	4 bed
Lambeth	37	45	60	70	85
GLC	37	50	61	74	90
Plymouth		40	55	65	75
Norwich		32	40	49	
Blackpool	66	66	77	81	
Denbigh		50	65	80	100
Portsmouth		45	60	75	
Middlesborough		51	66	93	106
York		51	66	93	106
Adur & Worthing	30	45	57	70	
CLG	38	47	60	73	
DQR compliant	32	46	59		
Average	41	47.45	60.63	74.81	93.66

The table shows the minimum sizes allowed within other local authority planning policies and those proposed by CLG and Welsh Government. Properties below these sizes would have a significant impact on the health and wellbeing of the occupant and would result in a higher turnover of tenants within properties, increased management issues and void loss; and would not add to the sustainable housing provision within the City.

5.2.1 ii relates to Basement flats and states that where they offer no windows or windows with very

not considered appropriate to prescribe sizes for specific rooms. Such an approach is inflexible and may be difficult to apply to certain types of developments (e.g. those with lounge/diners).

Basement flats (5.2.1 (ii)) — basement flats that either contain no windows or offer protected windows with very limited outlooks — “unlikely to be acceptable” changed to “will not be acceptable”.

Converted roof spaces (5.8.1) — it is not the LPA’s place to dictate ceiling heights — however, note (ii) has been added to the text: “Developers should consider whether ceiling heights are sufficient to allow reasonable use of the proposed living space.”

	<p>limited outlook that they are unlikely to be acceptable – in other Local Authority’s policy this is clearly unacceptable as again the health and wellbeing of future occupants would be compromised.</p> <p>5.8.1 Refers to converted roof spaces and states they should offer sufficient natural light, but there does not appear to be a reference to acceptable ceiling heights and again potentially would adversely affect the wellbeing of future occupants and the sustainability of the unit being created. Please see the attached extracts for Adur & Worthing, Blackpool, Denbigh and Lambeth.</p> <p>I therefore respectfully request that these issues are reviewed and the housing department would welcome the opportunity to be involved in any further discussions.</p>	
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Parking Standards Supplementary Planning Guidance

Table 9

Representor	Comments	Council Response
Home Builders Federation	Policy section — reference should be made to the status/relationship between the SPG and CSS Wales Parking Standards 2008 and Manual for Streets.	The SPG does not relate to CSS Wales Parking Standards 2008; the previous SPG superseded that document in Newport. There is no direct relationship between the SPG and the Manual for Streets.
	Parking zones — it would be helpful to set out these zones on a plan or a least give examples of them.	The GIS map of parking zones can be found of the Council’s website.
	6.7 Should include additional wording to allow flexibility in applying the standards where a particular high level of design is being requested, this may not occur just in Conservation Areas and may for example be part of a large new strategic allocation.	Except in a location especially well served by public transport, it is not clear why the LPA would need to relax parking standards for a high-quality housing development.

	<p>9 Parking standards</p> <p>Zone2-6 2 Houses – 1 space per bedroom seems excessive and would generate the need for two spaces for a two bed house, which could equate to the whole of the frontage of the property having to be hard surfaced. Consideration should be given to relaxing this requirement to 1.5 spaces for a 2 bed house.</p>	<p>Developers do not have to place parking spaces in front of properties; they could create rear parking areas (something that the Urban Design Compendia encourage) or provide spaces at the sides of houses.</p>
	<p>Notes for zones – It would be helpful if the minimum size of a parking space could be included at point 3 or cross reference appendix 2. Also do other appendices need to be cross referenced at the end of this section or do they not apply?</p>	<p>Notes iv and v added to paragraph 5.6.1 – (iv) specifies standard dimensions of parking spaces; (v) refers readers to Appendices 1-6.</p>
<p>LRM Planning Ltd</p>	<p>We are generally supportive of clear guidance in relation to the requirements for future planning applications. However, we have a number of concerns, in particular that rigid application of standards and subjective interpretation of the sustainability matrix can lead to situations where parking can dominate the design of a layout and conflict with other policies of the Plan which seek to ensure a high quality layout. Where such instances occur a pragmatic view point should be taking towards ensuring that a good quality layout is achieved.</p> <p>In this regards our comments are as follows:</p>	<p>The LPA will continue to exercise discretion when determining planning applications. It will always seek to achieve a balance between parking provision and design standards</p>
	<p>7.7 Employment Density</p> <p>There are significant variations in density of employment across each of the B uses and other employment generating activities (which extend across all use classes). As such we would advise that the HCA Employment Densities Guide (2010)</p>	<p>Employment density —Streetscene do not think it appropriate to vary parking standards according to estimates of employment density.</p>

	<p>is used as a guide for employment densities. This covers a much wider range of scenarios and seeks to ensure that an appropriate assumption is used.</p>	
	<p>Para 8.3 - such measures will add further costs to developments and will need to be considered in viability assessments.</p>	<p>Para 8.3 (compliance with travel plans) — LPA recognises that the creation and compliance with s. 106 agreements will cost developers money; but cost not considered prohibitive in most cases; LPA would be willing to examine financial assessments.</p>
	<p>Page 27 (foot note 1) - we would emphasise that in relation to parking courtyards, local site specific circumstances need to be considered. Such a requirement might constrain flatted schemes.</p>	<p>Page 27 (curtilage parking) — wording changed to allow greater flexibility - 'Depending on site specific circumstances, it is suggested that no parking court may accommodate more than 12 parking spaces...'</p>
	<p>Page 28 (foot note 3) - with regards to the requirement for a garage to be accompanied by a drive, we believe that there must be flexibility in this regard subject to the overarching design approach.</p>	<p>Page 28 (garages/driveways) — A driveway is required so the car can be kept off the highway while the garage door is opened.</p>
	<p>Page 28 (foot note 7) - we consider that such a requirement (for limiting parking within 3 streets) is not enforceable. Separate legislation covers parking control.</p>	<p>Page 28 (student accommodation) — it is agreed that such legal agreements are difficult to enforce. The reference to tenancy agreements in the SPG will be removed.</p>
	<p>Sustainability Matrix</p> <p>We are supportive of the principle of using a sustainability matrix. However, we note:</p> <p>Local Facilities – where there is access to more than 2 facilities within a zone, then it is our view that double points should be</p>	<p>Streetscene are satisfied with the current standards in respect of cycle paths, public transport and services/facilities.</p>

	<p>awarded.</p> <p>Furthermore it should include a number of other services such as a playground / play facility, significant employers / business parks within close proximity as well as cross reference to any wider LDP policies. There should be clear definition of what constitutes a district centre.</p> <p>Cycle Route – we are of the view that the area should be extended to 800m.</p> <p>Public transport frequency – we would question how many locations in Newport have access to a bus service that is 5 minutes in frequency (12 per hour). As such we believe that urban locations with 4 buses per hour would be a good level of service during the day (and 2 during evenings) therefore 3 points should be awarded for a frequency of 15 minutes, 2 points for 30 minutes and 1 point for 1 hour.</p>	
Savills	<p><i>Whilst we understand the safety issue associated with providing sufficient parking, there is a need to consider the proposed change in ethos that is proposed by the Welsh Government (WG) to promote sustainable development. Promoting the reuse of previously developed land in sustainable locations is welcomed. However, with this comes the need to understand and take a holistic view to the development proposals, particularly when dealing with larger sites. Certain proposals (for example when creating a new community) will deliver a mix of uses seeking to reduce the need to travel and that would make a site more sustainable. It can take time to create a new community, but where uses are proposed but not quite yet delivered (for example a local centre as part of a new community), due regard should be given when determining a planning application for that site.</i></p>	<p>LPA can exercise discretion when determining planning applications.</p> <p>It would apply common sense to proposals that will eventually have strong sustainability credentials (e.g. new housing estates).</p>

	<p><i>The WG objectives for transport include:</i></p> <ul style="list-style-type: none"> · <i>Reducing the need to travel, especially by private car;</i> · <i>Promoting walking and cycling; and</i> · <i>Supporting the provision of high quality public transport.</i> <p><i>We note that the SPG quotes maximum parking standards and we support this. This allows the opportunity to propose parking numbers within this range up to the maximum, where suitable, to help achieve the objectives set out by WG and to reduce reliance on the private car.</i></p>	
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Houses in Multiple Occupation Supplementary Planning Guidance

Table 10

Representor	Comments	Council Response
Environmental Health	<ul style="list-style-type: none"> - <i>Point 5.1.2 mentions “safe and fit for occupation” Please note we don’t use the term “fit” any more as it was a 1985 HA term. Should be replaced with “Safe and suitable for occupation”</i> - <i>Point 5.1.6 states – 3 or more persons yet there is no mention anywhere in the document about Newport having an additional licensing scheme which is what brings the 3 or more persons in.</i> <p><i>The “note” on page 9 is incorrect. It states that “The Housing Act 2004 requires all HMO’s to be licensed” – it doesn’t!</i></p>	<p>Text changed in accordance with EH’s comments.</p> <p>New paragraph (5.1.2) about Mandatory and Additional licensing schemes.</p> <p>New diagram (flowchart) (Figure 1) that accounts for Mandatory and Additional licensing schemes.</p>
Natural Resources Wales	<p><i>Change of use to multiple occupation has the potential to increase the consequences of flooding either via the introduction of a highly vulnerable development use, where previously there was a lower vulnerability use, or via an</i></p>	<p>Flooding — policy section updated — now contains references to LDP policy SP3 and TAN 15.</p>

	<p><i>intensification of the number of people using the property.</i></p> <p><i>We recommend that reference is made to LDP Policy SP3 and the potential requirements of TAN 15/national guidance.</i></p>	
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Security Measures for Shopfronts & Commercial Premises

(No comments received)