



## COUNCIL – 24TH JANUARY 2017

**SUBJECT: CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN UP TO 2021 - SUPPLEMENTARY PLANNING GUIDANCE**

**REPORT BY: CORPORATE DIRECTOR - COMMUNITIES**

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### **1. PURPOSE OF REPORT**

- 1.1 To update and formally adopt LDP4 – Trees and Development as Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan up to 2021.
- 1.2 To update and formally adopt LDP5 – Car Parking Standards as Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan up to 2021.
- 1.3 To update and formally adopt LDP6 – Building Better Places to Live as Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan up to 2021.
- 1.4 To update and formally adopt LDP7 – Householder Development as Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan up to 2021.
- 1.5 To consider affording officers delegated powers in consultation with the relevant Cabinet Member for future non-material amendments to existing Supplementary Planning Guidance.

### **2. SUMMARY**

- 2.1 Supplementary Planning Guidance (SPG) is produced to support and strengthen the Caerphilly County Borough Local Development Plan up to 2021 (LDP). It sets out detailed guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas.
- 2.2 The formal procedure for adoption of SPG was approved by Council in 2001. The following pieces of guidance have been prepared previously under the agreed procedure and are subject of this report:
  - LDP4 – Trees and Development
  - LDP5 – Car Parking Standards
  - LDP6 – Building Better Places to Live
  - LDP7 – Householder Development
- 2.3 Due to changes in primary and secondary legislation and national planning policy and guidance, minor modifications are required to be made in order to ensure that the Council's Guidance remains up to date. This report outlines the modifications required for each document.
- 2.4 The report also outlines the procedure for any future minor, non-material modifications that may be required to SPG.

### **3. LINKS TO STRATEGY**

3.1 The Well-being of Future Generations Act (Wales) 2015 comprises seven well being goals as follows:

- *A prosperous Wales*
- *A resilient Wales*
- *A healthier Wales*
- *A more equal Wales*
- *A Wales of cohesive communities*
- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales*

3.2 Sustainable Development has been at the heart of the planning system, its policies and practices since the introduction of Planning Policy Wales in 2002. Therefore the seven well being goals and five governance principles of the Act are already enshrined in the Caerphilly County Borough Local Development Plan up to 2021 through the plan preparation process and implemented when decisions on planning applications are made. The LDP embodies the land-use proposals and policies of the Council and will contribute to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015.

3.3 LDP4, LDP5, LDP6 and LDP 7 will assist in the delivery of the LDP and the successful implementation of its policies.

### **4. THE REPORT**

4.1 The Caerphilly County Borough Local Development Plan up to 2021 (LDP) is the statutory framework for the development and use of land within the county borough. The LDP is designed to be part of a package of documents and strategies that support and strengthen each other.

4.2 Supplementary Planning Guidance (SPG), in the form of Design Guides, is one such type of supporting document. Design Guides set out in detail the standards which development conforming to the policy criteria of the LDP must adhere to.

4.3 SPG does not form part of the development plan but it must be consistent with it. Whilst only policies in the development plan have special status under section 38(6) of the Planning and Compulsory Purchase Act 2004 in deciding planning applications, SPG may be taken into account as a material consideration.

4.4 The procedures for approving SPG are set out in a report approved by Technical Scrutiny Committee on the 10th July 2001 – ‘Supplementary Planning Guidance – Procedures’. Under those procedures (updated in 2003) the following SPG which are subject of this report, have all been formally adopted.

Supplementary Planning Guidance LDP4 – Trees and Development  
Supplementary Planning Guidance LDP5 – Car Parking Standards  
Supplementary Planning Guidance LDP6 – Building Better Places to Live  
Supplementary Planning Guidance LDP7 – Householder Development

4.5 Due to changes in legislation and updates in procedures the above guides now require minor non material modification.

#### **Supplementary Planning Guidance LDP4 – Trees and Development**

4.6 LDP4 – Trees and Development was adopted in January 2012.

- 4.7 LDP 4 concerns the incorporation of trees and hedgerows within development schemes. It provides guidance on the application of LDP policies SP6 (Place Making), SP10 (Conservation of Natural Heritage) and CW6 (Trees, Woodland and Hedgerow Protection). In particular, it includes details of the process of undertaking tree survey work with regard to proposed development and those factors that should be taken into consideration when assessing the design of a development scheme, bearing in mind the requirements of trees, woodland and hedgerows.
- 4.8 The guidance refers to various legislation that needs to be taken into account when implementing LDP policies and the guidance contained in LDP4. LDP4 refers to the relevant British Standard in relation to trees, and quotes BS5837:2005 – Trees in Relation to Construction – Recommendations as the relevant legislation.
- 4.9 This legislation is now out of date and therefore LDP4 should be amended throughout to read *BS5837:2012, Trees in Relation to Construction – Recommendations, and any later revised or updated edition of this standard*. These amendments are not regarded as material changes.

#### **Supplementary Planning Guidance LDP5 – Car Parking Standards**

- 4.10 LDP5 – Car Parking Standards was adopted in November 2010.
- 4.11 The application of parking standards enables a transparent and consistent approach to the provision of parking facilities associated with new development and change of use.
- 4.12 Throughout the SPG, Caerphilly County Borough Council has adopted the CSS Wales – Wales Parking Standards 2008. However, these standards have now been updated, the most recent being CSS Wales – Wales Parking Standards 2014.
- 4.13 The updates are primarily with regards to car parking at educational establishments and also in respect of the sustainability criteria which can allow a reduction in the number of car parking spaces required for developments located within proximity to public facilities and public transport.
- 4.14 In line with this update, minor modifications are required to LDP5 to ensure consistency with CSS Wales – Wales Parking Standards 2014. These amendments are not regarded as material changes.

#### **Supplementary Planning Guidance LDP6 – Building Better Places to Live**

- 4.15 LDP6 – Building Better Places to Live was adopted in November 2010.
- 4.16 The main purpose of LDP6 is to improve the standard of design in new residential development.
- 4.17 Minor modifications to terminology are required to reflect changes in national policy and guidance, as well as changes to legislation and procedure, including the need to reference the requirement for Pre-Application Consultation. It is also proposed to amend the layout of the document to ensure that the checklist of good design is better placed towards the start of the document to aid users.
- 4.18 These amendments are not regarded as material changes.

#### **Supplementary Planning Guidance LDP7 – Householder Development**

- 4.19 LDP 7 – Householder Development was adopted in November 2010.
- 4.20 The main purpose of LDP7 is to improve the standard of design in householder development.

- 4.21 Amendments are now required in line with changes in legislation as well as updates to National policy and guidance and new and updated procedures. Amendments include minor modifications in accordance with new permitted development rights, clarification and minor amendment to terminology, updates to resource efficiency section and revised requirements for submission of a planning application.
- 4.22 These amendments are not regarded as material changes.

#### **Further minor modifications of Supplementary Planning Guidance**

- 4.23 This report seeks approval to consider any further minor, non-material modifications to SPG under Delegated Powers in consultation with the relevant Cabinet Member.

### **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that all four pieces of SPG supplement policies contained in the LDP.
- 5.2 The LDP places great emphasis on sustainable development and seeks to protect the environment for both the current and future needs of the population, ensuring that there is a viable future for the county borough's towns and villages. As part of the LDP process the Council engages with residents, service users, stakeholders and partners. The LDP is subject to independent Strategic Environment Assessment and Sustainability Appraisal which balance economic, social and environmental issues.

### **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no direct implications associated with this report. However, any review of policies and proposals contained within the LDP will require an equalities impact assessment to be carried out.

### **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications as a consequence of this report.

### **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no direct personnel implications as a result of this report.

### **9. CONSULTATIONS**

- 9.1 All responses from consultations have been incorporated in the report.

### **10. RECOMMENDATIONS**

- 10.1 To recommend that the Council formally updates and adopts Supplementary Planning Guidance LDP4 – Trees and Development.
- 10.2 To recommend that Council formally updates and adopts Supplementary Planning Guidance LDP5 – Car Parking Standards.

- 10.3 To recommend that Council formally updates and adopts Supplementary Planning Guidance LDP6 – Building Better Places to Live.
- 10.4 To recommend that Council formally updates and adopts Supplementary Planning Guidance LDP7 – Householder Development.
- 10.5 To recommend to Council that any future minor, non-material amendments to update Supplementary Planning Guidance be undertaken under delegated powers in consultation with the relevant Cabinet Member.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To provide a robust policy framework against which to determine planning applications.

## **12. STATUTORY POWER**

- 12.1 The Council as Local Planning Authority has the statutory power to take these actions under the Town and Country Planning Acts and associated regulations and guidance.

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Consultees: Councillor Ken James, Cabinet Member for Regeneration, Planning & Sustainable  
Development  
Councillor Tom Williams, Cabinet Member for Highways, Transportation &  
Engineering  
Councillor Nigel George, Cabinet Member for Community & Leisure Services  
Christina Harray, Corporate Director Communities  
Gail Williams, Interim Head of Legal and Monitoring Officer  
Terry Shaw, Head of Engineering Services  
Mark Williams, Head of Community and Leisure Services  
Tim Stephens, Development Manager  
Rhian Kyte, Team Leader, Strategic & Development Plans.

### Background Papers:

Supplementary Planning Guidance LDP4 – Trees and Development, 2017  
*(made available in the resource library and Members Portal)*

Supplementary Planning Guidance LDP5 – Car Parking Standards, 2017  
*(made available in the resource library and Members Portal))*

Supplementary Planning Guidance LDP6 – Building Better Places to Live, 2017  
*(made available in the resource library and Members Portal))*

Supplementary Planning Guidance LDP7 – Householder Development, 2017  
*(made available in the resource library and Members Portal))*

Lisa James can be contacted on 01495 235096 should you wish to inspect the above-mentioned papers.