

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 6 JULY, 2017

REPORT OF THE HEAD OF REGENERATION AND PLANNING

**MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT
BY VIRTUE OF THE NEED TO MAKE A DECISION BEFORE TO THE NEXT
COMMITTEE**

ADOPTION OF LOCAL DEVELOPMENT PLAN AND UPDATED REASONS TO
ISSUE ENFORCEMENT NOTICES AND PLANNING APPLICATIONS SUBJECT TO
SECTION 106 LEGAL AGREEMENTS

Introduction

1. The purpose of this report is to seek authorisation from Planning Committee to amend the reasons for issuing enforcement notices and reasons for approval and planning conditions on planning applications subject to section 106 legal agreements, relating to those decisions made by Planning Committee prior to the adoption of the Vale of Glamorgan Local Development Plan 2011-2026 (LDP).
2. The reason for the urgent report results from the resolution of Council on 28th June 2017 to approve the LDP being after the publication of the papers for this Planning Committee and to seek an urgent resolution to enable enforcement notices and decision notices to be issued without further delay.

Background

3. Members will be aware that the Council formally adopted the Vale of Glamorgan Local Development Plan 2011-2026 as the statutory Development Plan for the purposes of section 38 of the Planning and Compulsory Purchase Act 2004 on 28th June 2017. This replaces the former Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP).
4. There are a number of matters which have previously been the subject of Planning Committee resolutions but where decision notices or enforcement notices have not been issued to date, and where reference in the reasons for the recommendations / decisions is made to the now defunct UDP policies rather than the LDP. These comprise reasons to issue enforcement notices and reasons for approval and planning conditions on planning applications subject to section 106 legal agreements.

Issues

5. There can often be a delay of several weeks or months in issuing these notices following the Planning Committee resolution, and as such this issue is relevant to numerous current cases. It is therefore necessary for the sake of good governance and to expedite matters promptly, that delegated authority be granted to the Head of

Regeneration and Planning or Operational Manager for Planning and Building Control, to update the reasons for issuing enforcement notices and reasons for approval and planning conditions on planning applications subject to section 106 legal agreements, relating to those decisions made by Planning Committee prior to the adoption of the Vale of Glamorgan Local Development Plan 2011-2026 (LDP) where the relevant notices have not yet been formally issued.

6. Members will be aware that many of the UDP policies have directly relevant policies in the LDP. In such cases, the UDP policies will be replaced with relevant LDP policies in the enforcement notice or decision notice. Where there has been a material change in the policy position since the resolution, as a result of the adoption of the LDP, such matters will be reported back to Planning Committee for further consideration.
7. By way of an example, an enforcement case relating to an unauthorised use of land for storage at Land to the north of The Butts, Llanmaes was considered by Planning Committee on 2nd March 2017 who resolved to serve an enforcement notice to cease the breach of planning control for the following reason:

“The use of the Land for the purposes of storage is considered to be inappropriate in this rural location. The use of the land is considered to result in harm to the character and appearance of the rural setting of the Land. As such, the use is considered to be contrary to Policies ENV1 – Development in the Countryside, ENV10 – Conservation of the Countryside and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, as well as national planning guidance in the form of Planning Policy Wales (Edition 9, 2016), Technical Advice Note 6: Planning for Sustainable Rural Communities and Technical Advice Note 12: Design.”

This would need to be amended to replace the UDP references with the equivalent relevant LDP policies as follows:

“The use of the Land for the purposes of storage is considered to be inappropriate in this rural location. The use of the land is considered to result in harm to the character and appearance of the rural setting of the Land. As such, the use is considered to be contrary to Policies MD1 – Location of New Development and MD2 – Design of New Developments of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as national planning guidance in the form of Planning Policy Wales (Edition 9, 2016), Technical Advice Note 6: Planning for Sustainable Rural Communities and Technical Advice Note 12: Design.”

RECOMMENDATION

That the Members of the Planning Committee agree to approve the following recommendation:

- (1) That the Head of Regeneration and Planning or Operational Manager for Planning and Building Control, be granted delegated authority on behalf of Planning Committee to update the reasons for issuing enforcement notices and reasons for approval and planning conditions on planning applications

subject to section 106 legal agreements, relating to those resolutions made by Planning Committee prior to the adoption of the Vale of Glamorgan Local Development Plan 2011-2026 (LDP) where the relevant notices have not yet been formally issued to date and there has been no material change in the policy position in the LDP relevant to the matter.

Reason for the recommendation:

1. To ensure the reasons for issuing enforcement notices and decisions on planning applications subject to section 106 legal agreements, correctly quote the relevant Development Plan policies at the time of issue, i.e. the LDP rather than the UDP.