

## **The Vale of Glamorgan Council**

### **Cabinet Meeting: 18 December, 2017**

#### **Cabinet Member for Regeneration and Planning**

### **Vale of Glamorgan Local Development Plan 2011-2026: Public Consultation on Draft Supplementary Planning Guidance (SPG)**

#### **Purpose of the Report**

1. Following the adoption of the Vale of Glamorgan Local Development Plan in June 2017, the Council has prepared draft Supplementary Planning Guidance (SPG) to support some of the key topics / policies within the LDP. In particular in relation to:
  - Residential and Householder Development ([Appendix 1](#))
  - Conversion and Renovation of Rural Buildings ([Appendix 2](#))
  - Biodiversity ([Appendix 3](#))
  - Minerals Safeguarding Areas ([Appendix 4](#))
2. These are attached at Appendices 1-4. The purpose of this report is to seek Cabinet approval of the draft Supplementary Planning Guidance for public consultation prior to their formal adoption.

#### **Recommendations**

1. That Cabinet approve the draft SPG attached to this report, with delegated powers for the Head of Regeneration and Planning, in consultation with the Cabinet Member for Regeneration and Planning, to make typographical or other minor changes as necessary prior to publication, for public consultation purposes.
2. That all Members, including Planning Committee Members, be invited to attend a Member briefing session to advise them of the forthcoming consultation and the content of the draft SPG.
3. That a further report be presented to Cabinet following public consultation to report the findings of the public consultation exercise and any changes to the draft SPG prior to the formal adoption of the SPG for development management purposes.
4. That Cabinet approve the updated "Procedures for the Production and Reporting of SPGs" document attached at [Appendix 5](#).

## Reasons for the Recommendations

1. To enable public consultation on the draft SPG in accordance with the Council's protocol for the production of SPG to afford the SPG additional weight as a material consideration in determining planning application and appeals.
2. To advise all Members of the draft SPG and forthcoming public consultation exercise.
3. To advise members of the responses to the public consultation exercise and to seek members approval for the formal adoption of the SPG as a material consideration in planning decisions.
4. To update the Procedures for the Production and Reporting SPGs in order to bring inline the public consultation procedures with the Council's corporate standard.

## Background

3. Members will be aware that the Vale of Glamorgan Local Development Plan 2011-2026 (LDP) was formally adopted by the Council on the 28th June 2017. The LDP became operative on its adoption and is the basis for decisions on land use planning in the Vale of Glamorgan.
4. The Council has a number of existing Supplementary Planning Guidance documents (SPGs) across a range of topics that refer to the now superseded Unitary Development Plan (UDP). The LDP Monitoring Framework contains proposals to review existing SPG and to prepare new SPG where necessary. The following draft SPGs have been prepared and are attached at Appendices 1-4:
  - Residential and Householder Development
  - Conversion and Renovation of Rural Buildings
  - Biodiversity
  - Minerals Safeguarding Areas
5. Policies of the adopted development plan have special status under Section 38(6) of The Planning and Compulsory Purchase Act 2004, which requires that the determination of planning application proposals must be in accordance with the Adopted LDP unless material considerations indicate otherwise. Planning Policy Wales (paragraph 2.3.4) advises that SPG may be a material consideration provided it is consistent with LDP policies and has been subject to public consultation.
6. Members will recall that the Council's Planning Obligations and Affordable Housing SPGs were revised and consulted on during the final stages of the LDP Examination and were adopted as SPG following Adoption of the LDP (Cabinet Minute No. C48, 31st July 2017). A separate report reviewing the effectiveness of the Affordable Housing SPG is being prepared and will be presented shortly to Cabinet.
7. In accordance with the Council recommendations for the Adoption of the LDP (Council Minute No. 85, 28th June 2017), existing SPGs that make reference to superseded UDP policies will continue to be used as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The draft SPG detailed within this Cabinet report represents the first tranche of updated SPG in accordance with the LDP Monitoring Framework proposals. Once adopted they would replace the previous SPGs as follows:
  - Residential and Householder Development replaces the Amenity Standards SPG

- Conversion and Renovation of Rural Buildings - replaces the previous Conversion of Rural Buildings SPG
- Biodiversity - replaces the previous Biodiversity and Development SPG
- Minerals Safeguarding Areas - is a new SPG

8. Further SPG on topics including Trees and Development, Travel Plans and Design in the Landscape will be prepared in the coming months and will be the subject of a separate report to Cabinet in due course.

### **Relevant Issues and Options**

9. Whilst existing SPGs contain useful general practice guidance and have been carried forward for use as material considerations in planning decisions, it is important that all SPGs are updated to reflect the policies of the Vale of Glamorgan Local Development Plan 2011-2026 to ensure the guidance is up to date and effective. The new SPGs also take account of any relevant national policy and legislation changes including for example, the Environment (Wales) Act 2016, the Wellbeing of Future Generations (Wales) Act 2015, and Planning Policy Wales Edition 9 (November 2016) where relevant.
10. The attached SPG have therefore been prepared to reflect the changes detailed above and to ensure that the suite of policy documents used in the determination of planning applications is effective and fit for purpose. The following sections provide a summary of the draft SPG.

#### **Residential and Householder Development SPG**

11. The LDP contains a number of development and design policies that require consideration of the impact on existing amenity and environments resulting from new residential developments and minor householder development proposals. This includes for example Policy MD2 (Design of New Development) and Policy MD5 (Development within Settlement Boundaries) amongst others. The document sets out design guidance and standards for applicants in order to satisfy the LDP policy requirements for new residential and householder developments. The draft SPG incorporates and updates the existing guidance contained in the Amenity Standards SPG (2006) to reflect current practice and the final SPG would replace this document. The SPG also advises householders and developers on preparing plans and submitting planning applications to the Council.
12. The draft SPG proposes some changes to the old Amenity Standards including replacing the previous policy for 1:1 provision (i.e. 1 sq.m of amenity space for 1 sq. m floor area) with a requirement for 20 sq.m per person. This reflects the density policy in the LDP (Policy MD6) which requires higher density developments than have typically been built in the past in order to make better use of land. However, the 21m 'rule' regarding opposing windows in habitable rooms has been retained.

#### **Conversion and Renovation of Rural Buildings SPG**

13. The LDP contains an updated Conversion and Renovation of Rural Buildings policy, Policy MD12, that permits the conversion and renovation of existing rural buildings to other uses subject to a number of criteria to ensure there would be no unacceptable effect on the countryside. For conversions to residential use the policy requires the marketing of rural buildings for other alternative uses first (to benefit the rural economy) and for it to be demonstrated that such alternative uses would not be viable. Proposed residential conversions should also be sustainable in terms of

access to local services, public transport and community facilities. The draft SPG reflects this updated policy approach and contains practical design guidance for applicants to demonstrate how future conversions would satisfy the policies of the Plan.

### **Biodiversity SPG**

14. The Council's current SPG on Biodiversity and Development was adopted by the Council in 2010 and was based on a regional template prepared by a team of local authority ecologists from the South East Wales region. Since its adoption in 2010, there have been a number of changes and amendments to European and Welsh legislation and guidance affecting biodiversity and nature conservation. For example, the Environment (Wales) Act 2016, the Wellbeing of Future Generations (Wales) Act 2015, the Town and Country Planning (Environmental Impact Assessment (Wales)) Regulations 2016, the Planning (Wales) Act 2015 and various updates to PPW which have had implications on the way in which biodiversity is preserved and enhanced.
15. The SPG has been updated to ensure it reflects new guidance and legislation as well as the corresponding LDP biodiversity policies. The revised SPG has also been supplemented with additional information to improve the effectiveness and usefulness of the document for applicants. This includes information on designing new developments and avoiding, mitigating and compensating development impacts.

### **Minerals Safeguarding Areas SPG**

16. The Vale of Glamorgan contains significant minerals safeguarding areas for limestone resources as well as other safeguarded areas for sandstone and sand and gravel resources that are identified on the LDP Proposals Map. These areas are safeguarded from development proposals that might sterilise these resources from future extraction under national policy and LDP Policy MG22. New development proposals in these areas should only be permitted where there is no impact on the future extraction of the resource or where the development is justified and prior extraction of the safeguarded minerals has been considered. There is no existing Supplementary Planning Guidance for the consideration of development proposals in minerals safeguarding areas. This draft SPG therefore provides further details and guidance to applicants regarding the justification of development and consideration of prior extraction required in accordance with LDP policy MG22.

### **Procedures for the Production and Reporting of Development Briefs and Supplementary Planning Guidance**

17. In addition to the amendments to the SPG detailed above, it is proposed to update the Council's adopted SPG 'Procedures for the Production and Reporting of Design Briefs and SPG's' which establishes the procedures that should be followed in the production, reporting, consultation and adoption of SPG. It is proposed that the procedures are amended to 6-weeks in order to bring the public consultation timeframe in line with the Council's corporate public consultation procedures, replacing the previous 4-week timeframe. The updated document is attached at Appendix 5.

### **Member and Public Consultation Proposals**

18. In accordance with the Council's corporate public consultation procedures the draft SPG subject to this report will undergo a six week period early in 2018. All comments received and any proposed amendments resulting from the consultation will be reported back to members for their consideration in order to formally adopt the SPG.

19. In undertaking the public consultation, it is proposed that the amended SPG will be hosted on the Council's web page for the designated six week consultation period and that hard copies of each of the documents is made available at the Council's Dock Office for inspection by the public during normal office hours.
20. In addition to the above, officers have compiled a list of interested parties and statutory consultees that will be contacted directly and made aware of the public consultation exercise. This includes adjoining local authorities, planning agents, town and community councils, and other specific consultees considered relevant to specific SPG. The list of interested parties and statutory consultees is attached at [Appendix 6](#) to the report.
21. Prior to the public consultation, all Members will be invited to attend a Member briefing session where officers will outline to content of the new draft SPG.

### **Resource Implications (Financial and Employment)**

22. The preparation of the draft SPG and proposed public consultation exercise will be undertaken by Council officers within existing departmental budgets.
23. The adoption the SPG is not anticipated to result in additional expenditure and will assist the Council in the consideration of development proposals in planning applications.

### **Sustainability and Climate Change Implications**

24. The revised SPG have been prepared in accordance with the Welsh Government's objectives in relation to sustainability and climate change for example in respect of the Well-being of Future Generations (Wales) Act 2015.

### **Legal Implications (to Include Human Rights Implications)**

25. Following public consultation on the draft SPGs a further report will be presented to Cabinet regarding the results of public consultation. On adoption the finalised SPGs will replace the existing SPG set out above and the documents will be used as a material consideration in the determination of planning applications and planning appeals.
26. In preparing the SPG the Council has considered the requirements of the Well Being of Future Generations (Wales) Act 2015 and the 7 wellbeing goals.
27. There are no human rights implications from the report.

### **Crime and Disorder Implications**

28. There are no direct crime and disorder implications arising from this report. Crime and disorder implications can however be considered in the planning system at the development management stage when assessing the design and layout of proposals.

### **Equal Opportunities Implications (to include Welsh Language issues)**

29. The preparation of the draft SPG has been undertaken with regard to the Council's equal opportunities and Welsh language policies. The public consultation exercise will be undertaken with regard to the requirements of these policies and consultation materials will be made available bilingually. Once finalised all documents will be available in Welsh and English.

## **Corporate/Service Objectives**

30. The revision of the SPG as detailed within this report forms an integral part of the implementation of the LDP and its policies and proposals. The SPG subject of this report form the first tranche of such documents to be updated in line with the LDP monitoring framework. Further SPG documents will be reported in due course in accordance with LDP proposals.
31. The LDP is a key policy and implementation document for the Council set out in the Corporate Plan under Well-being Outcome 2, Objective 4. In addition, the preparation and revision of SPG is included in the Regeneration and Planning Team Plan 2017/18. This includes the Householder Design Guide, Conversion and Renovation of Rural Buildings, Minerals Safeguarding SPGs (reference ER07 RP/A066) and the Biodiversity SPGs (reference ER07 RP/A066).

## **Policy Framework and Budget**

32. This is a matter for Executive decision. The cost of public consultation will be met from existing departmental budgets.

## **Consultation (including Ward Member Consultation)**

33. No specific ward member consultation has been undertaken as the application of the revised SPG affects the whole of the Vale of Glamorgan. All Members will be invited to a briefing session prior to the public consultation exercise.

## **Relevant Scrutiny Committee**

34. Environment and Regeneration

## **Background Papers**

Biodiversity and Development Supplementary Planning Guidance (2010)  
Parking Standards Supplementary Planning Guidance (2015)  
Amenity Standards Supplementary Planning Guidance (2006)  
Conversion of Rural Buildings Supplementary Planning Guidance (2005)  
Vale of Glamorgan Adopted Local Development Plan (2011-2026)

## **Contact Officer**

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## **Officers Consulted**

Head of Regeneration and Planning  
Head of Visible Services  
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Lawyer, Legal Division  
Principal Accountant

## **Responsible Officer:**

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