

The Vale of Glamorgan Council

Cabinet Meeting: 30 April, 2018

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 2011 - 2026 (LDP) on 28th 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:
 - [Public Art in New Development \(Appendix 1\)](#)
 - [Travel Plans \(Appendix 2\)](#)
 - [Trees and Development \(Appendix 3\)](#)
2. The draft SPGs are attached at Appendices 1- 3. 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 at Appendices 1-3, 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 is 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.

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 applications 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.

Background

3. A report to Cabinet of the 18th December 2017 outlined the need to update and/or prepare new SPG following the adoption of the LDP in June 2017. The report sought Cabinet approval to undertake a public consultation on the following updated/new SPG in accordance with the requirements of the LDP Monitoring Framework:

- Residential and Householder Development draft SPG;
- Conversion and Renovation of Rural Buildings draft SPG;
- Biodiversity draft SPG, and
- Minerals Safeguarding Areas draft SPG.

4. A six week public consultation took place between the 22nd January and the 2nd March 2018 on the above draft SPG. In line with minute no. C178, a separate Cabinet report has been prepared which outlines the proposed changes to the above SPG resulting from the public consultation exercise and seeks member endorsement of the final SPG for development management purposes.

5. To further comply with the LDP Monitoring Framework, officers have prepared a second tranche of draft SPG for public consultation on the following topics and these are attached at Appendices 1- 3:

Appendix 1 - Public Art in New Development draft SPG

Appendix 2 - Travel Plans draft SPG

Appendix 3 - Trees and Development draft SPG

6. 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.
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.
8. Once adopted, the draft SPG contained within appendices 1 -3 will replace the existing SPGs as follows:
 - Public Art in New Development SPG replaces the previous Public Art SPG (2005);
 - Travel Plans SPG is a new SPG; and
 - Trees and Development - replaces the previous Trees and Development SPG (2006).
9. Further SPG on topics including Parking Guidelines, Design in the Landscape and Rural Tourism 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

10. 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 adopted LDP to ensure the guidance is up to date and effective. The draft SPG also take account of any relevant national and local 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) and the newly drafted Arts and Cultural Strategy an Aspirational and Culturally Vibrant Vale 2017 - 2022 where relevant.
11. The attached draft 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.

Public Art in New Development SPG

12. The draft SPG emphasises the benefits public art can have in terms of creating sustainable, distinctive and vibrant developments and places in the Vale of Glamorgan. It sets out when public art will be required, how public art contributions will be calculated and how public art should be delivered as part of new development proposals. It identifies the key steps for the successful delivery of a public art proposal and contains recent examples of best practice in the Vale of Glamorgan.

Travel Plans SPG

13. The draft SPG provides general information on travel plans, the benefits that they can bring to businesses, individuals and communities and details when travel plans will be required in support of new development proposals. The draft SPG provides details on the types of travel plan that can be prepared and the range of standard information that should generally be included. The draft SPG provides information on the types of measures which can be utilised to progress a travel plan and includes examples of monitoring and review methods which enable accurate reporting of travel plan progress. In considering the requirement for a travel plan, the Council has proposed thresholds relating to the scale of development proposed.

Trees and Development SPG

14. The draft SPG provides guidance to all parties involved in the planning process on how to fully consider trees and hedgerows as part of any new development proposal. The SPG reflects best practice approaches for the protection and integration of existing trees and hedgerows within new developments. It also sets out the Council's requirements when submitting proposals for new development where trees are identified either within or in close proximity to the site. This approach is in accordance with the general principles and aspirations of strategic policy SP10 (Built and Natural Environment) and the Council's draft Tree Strategy. Guidance is also provided in respect of the provision of new landscaping features and the draft SPG outlines the approach that the Council will take when assessing development proposals that might impact on trees, woodlands and hedgerows as well as the powers (statutory controls) that the Council has to protect trees and their setting.

Planning Policy Wales

15. In preparing the draft SPG, officers are aware that the Welsh Government is currently consulting on a major revision to Planning Policy Wales which has been restructured

into policy themes around the goals set out in the Well-Being of Future Generations (Wales) Act 2015. While at this time it is not anticipated that the revision will have any significant impact upon the Council's SPGs, minor amendments may be required to clarify and/or update the SPG when the revision to PPW has been finalised.

Member and Public Consultation Proposals

16. In accordance with the Council's corporate public consultation procedures the draft SPG attached at appendix 1 -3 will undergo a six week consultation period. All comments received and any proposed amendments resulting from the consultation will be reported back to members for their consideration prior to formally adopting the SPG.
17. In undertaking the public consultation, it is proposed that the draft 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 are available at the Council's Dock Office for inspection by the public during normal office hours.
18. 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 each specific draft SPG. The list of interested parties and statutory consultees is attached at [Appendix 4](#) to the report.
19. Prior to the public consultation, all Members will be invited to attend a Member briefing session where officers will outline the content of the new draft SPG.

Resource Implications (Financial and Employment)

20. The preparation of the draft SPG and proposed public consultation exercise will be undertaken by Council officers within existing departmental budgets.
21. The adoption the draft 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

22. The draft 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)

23. Following the public consultation on the draft SPGs a further report will be presented to Cabinet regarding the results of public consultation. On adoption the finalised SPG 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.
24. In preparing the draft SPG the Council has considered the requirements of the Well Being of Future Generations (Wales) Act 2015 and the 7 wellbeing goals.
25. There are no human rights implications from the report.

Crime and Disorder Implications

26. 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)

27. 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

28. The preparation of the revised / new SPG as detailed within this report forms an integral part of the implementation of the LDP and its policies and proposals. The draft SPG subject of this report form the second 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.
29. 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 Public Art in New Development SPG and Trees and Development SPG (reference ER07 RP A066).

Policy Framework and Budget

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

Consultation (including Ward Member Consultation)

31. No specific ward member consultation has been undertaken as the application of the draft 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

32. Environment and Regeneration.

Background Papers

Public Art Supplementary Planning Guidance (2005)
Trees and Development Supplementary Planning Guidance (2006)
Parking Standards Supplementary Planning Guidance (2015)
Vale of Glamorgan Local Development Plan 2011- 2016
Technical Advice Note 18: Transport (2007)

Contact Officer

Victoria Robinson - Operational Manager for Planning and Building Control

Officers Consulted

Head of Regeneration and Planning

Head of Neighbourhood Services and Transport

Operational Manager for Regeneration

Operational Manager for Neighbourhood Services, Healthy Living and Performance

Arts Development Manager

Lawyer, Legal Division

Principal Accountant

Responsible Officer:

Rob Thomas - Managing Director