

The Vale of Glamorgan Council

Cabinet Meeting: 16 April, 2018

Cabinet Member for Regeneration and Planning

Adoption of Supplementary Planning Guidance for Residential and Householder Development, the Conversion and Renovation of Rural Buildings, Biodiversity and Development and Minerals Safeguarding Areas

Purpose of the Report

1. This report has been prepared to advise Cabinet Members of the results of the public consultation undertaken on the draft Supplementary Planning Guidance (SPG) in relation to Residential and Householder Development, the Conversion and Renovation of Rural Buildings, Biodiversity and Development and Minerals Safeguarding Areas, and to adopt the SPG documents for development management purposes.
2. This report contains the following appendices. With the exception of [Appendix 1](#), the appendices are attached electronically as hyperlinks due to the size of the documents. Hard copies of the appendices have been made available in the Members Room for information.

Appendix 1 - Summary Table of SPG Consultation representations and the Council's Responses.

Appendix 2 - Final Residential and Householder Development SPG (with tracked changes shown).

<http://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2018/18-04-16/Appendices/Adoption-of-SPG-Appendix-2.pdf>

Appendix 3 - Final Conversion and Renovation of Rural Buildings SPG (with tracked changes shown).

<http://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2018/18-04-16/Appendices/Adoption-of-SPG-Appendix-3.pdf>

Appendix 4 - Final Biodiversity and Development SPG (with tracked changes shown).

<http://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2018/18-04-16/Appendices/Adoption-of-SPG-Appendix-4.pdf>

Appendix 5 - Final Minerals Safeguarding Areas SPG (with tracked changes shown).

<http://www.valeofglamorgan.gov.uk/Documents/Committee%20Reports/Cabinet/2018/18-04-16/Appendices/Adoption-of-SPG-Appendix-5.pdf>

Recommendations

1. That Cabinet note the contents of the report and endorse the responses to the representations received on the draft SPG attached as Appendix 1.
2. That, subject to the provisions of recommendation 3, Cabinet approve the amended SPG attached to this report as appendices 1 - 4 for immediate use in Development management decisions alongside the adopted Local Development Plan.
3. That the Head of Regeneration and Planning be authorised to agree the final format of and any necessary minor typographical changes and minor amendments to the SPG prior to their publication, and thereafter update them with any factual updates in response to policy or legislative changes as appropriate.
4. That the report be referred to Planning Committee for information.

Reasons for the Recommendations

1. To provide a summary of the public consultation undertaken on the draft Residential and Householder Development, the Conversion and Renovation of Rural Buildings, Biodiversity and Development and Minerals Safeguarding Areas SPG and to seek members endorsement of the responses and changes to the finalised SPGs.
2. To ensure the effective consideration of planning applications following the adoption of the LDP and to provide decision makers, applicants and developers access to the Council's most up-to-date guidance relating to Residential and Householder Development, the Conversion and Renovation of Rural Buildings, Biodiversity and Development and Minerals Safeguarding Areas without undue delay.
3. To accommodate any necessary changes and/or amendments resulting from the current revision of Planning Policy Wales by the Welsh Government and to enable the correction of any typographical or minor errors found within the revised SPG.
4. To inform Planning Committee of the adoption of the SPGs as material considerations in the determination of future planning applications.

Background

3. Members will recall the report of the 18th December 2017 which outlined the Council's need to update and/or prepare new SPG following the adoption of the Vale of Glamorgan Local Development Plan 2011- 2026 (LDP) on the 28th June 2017 in order to accord with the requirements and commitments set out in the LDP Monitoring Framework.
4. The report sought Cabinet approval to undertake public consultation on the first tranche of updated/new SPG specifically those in respect of the following topics:
 - Residential and Householder Development;
 - Conversion and Renovation of Rural Buildings;
 - Biodiversity and Development, and
 - Minerals Safeguarding Areas.
5. In accordance with Council Minute C178, the six week public consultation exercise on the draft SPG took place between Monday 22nd January and Friday 2nd March

2018 with the relevant documentation being made available at the main Council offices and on the Council's web site.

6. Officers have considered the representation received in response to the SPG consultation and have amended the SPG where it has been considered necessary or relevant. This report therefore summarises the results of the public consultation and seeks the adoption of the finalised SPGs to ensure guidance for these key policy areas remains up-to-date and can be considered alongside the Adopted LDP.

Relevant Issues and Options

7. In total 6 organisations commented on the draft SPG and the comments received and the Council's specific responses and any changes proposed to the SPGs are set out in the Table at Appendix 1. A brief summary of the main comments and the Council's responses and/or proposed changes are set out for each of the SPG below.

Residential and Householder Development SPG

8. South Wales Police advised that the SPG could be improved through the addition of a new section in relation to community safety issues and the prevention of crime and disorder and provided appropriate text for inclusion in the SPG. The Council accepts the comments of the South Wales Police and proposes to include the submitted text at paragraph 8.6 of the SPG as shown in the tracked changes version of the SPG at Appendix 2.
9. Barry Town Council welcomes the draft SPG document and overall considers the document to be of good quality. They have made some suggested changes which have been accepted as appropriate as shown in the tracked changes version of the SPG at Appendix 2.

Conservation and Renovation of Rural Buildings SPG

10. South Wales Police advised that the SPG could be improved through the addition of a new section in relation to community safety and provided appropriate text for inclusion at section 12. The Council accepts the comments of the South Wales Police and has included the new text at paragraph 9.14 of the SPG as shown in the tracked changes version of the SPG at Appendix 3.

Biodiversity and Development SPG

11. Natural Resources Wales advised of two minor errors in relation to references within the SPG which have resulted from recent updates in legislation. The Council notes and accepts the comments and has made the appropriate updates to the SPG.
12. The House Builders Federation (HBF) commented that the section in the SPG titled 'Validation' sought to cover two separate issues and was confusing. The HBF recommended a simple amendment to avoid confusion and suggested that paragraphs 5.13 - 5.18 be moved to a new section titled 'Determination Process'. In reviewing the comments the Council accepts the comments of the HBF and proposes an amendment in line with the suggestion of the HBF. The amendments are again illustrated in the tracked changes version of the SPG at Appendix 4.
13. In addition to the above, the Council's ecologist has requested that additional images be incorporated into Appendix 5 of the SPG to provide extra information on the nature of ecological schemes that could benefit local biodiversity. It is considered that these additions are appropriate and do not change the body of the SPG.

Minerals Safeguarding Areas SPG

14. The numerous comments received from the Minerals Products Association as set out in Appendix 1 covered a range of issues and concerns as set out below.
15. The main objection raised concerned the inclusion of buffer zones within the SPG around sensitive developments i.e. settlements. The MPA consider that this approach is contrary to national policy as expressed in Planning Policy Wales (PPW) and Minerals Technical Advice Note 1 (MTAN1) which essentially define a buffer zone as “An area of land separating a mineral site from potentially sensitive land uses such as housing, and which acts as a physical barrier.” (MTAN1, Annex E). The Council's response is set out at Appendix 1 explaining the use of buffer zones for the purpose of this SPG. However, it accepts that the SPG does not make clear that these are guideline distances and not a rigid rule that needs to be applied to every circumstance. Therefore, it is suggested the Council amend the SPG to make clear the sensitive development buffer is a guideline for developers to consider when making an application for development within a mineral safeguarding area.
16. A number of other comments were made by the MPA and the Council has sought in their response to provide clarity to the MPA but these comments have not resulted in any changes to the SPG. These comments related to the following matters and the Council's full response is set out in the table at Appendix 1:
 - Clarification that where alternative developments are being considered on a case by case basis, these must be consistent with National Policy.
 - Concerns as to how minerals won through prior extraction can be accommodated within general minerals operations.
 - The negative approach to prior extraction.
 - Amend minor typographical oversights on SPG appendix.
17. Comments were also received from the South Wales Police (SWP) in relation to the dangers that mineral extraction sites can pose to employees and the general public and the SWP suggested that appropriate consideration should be given in planning to such matters. While the Council notes the comments of the SWP these are matters for quarry operators and the Health and Safety Executive (HSE) and it is not appropriate for planning control to impose further restrictions than are controlled through the health and safety legislation.

Planning Policy Wales

18. It should also be noted 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. Recommendation 3 above has therefore been included to enable such revisions to be made in due course.

Resource Implications (Financial and Employment)

19. The preparation of the updated Supplementary Planning Guidance has been undertaken by officers within the Regeneration and Planning Division within existing budgets.

Sustainability and Climate Change Implications

20. 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 seven wellbeing goals set out in the Well-being of Future Generations (Wales) Act 2015. For example, through creating balanced and attractive communities, protecting biodiversity and ensuring the sustainable use of natural resources.

Legal Implications (to Include Human Rights Implications)

21. The revised SPGs will be used as a material consideration in the determination of planning applications and planning appeals.
22. 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.
23. There are no human rights implications from the report.

Crime and Disorder Implications

24. 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. In response to comments received, sections on safer by design have been added to the SPG where relevant.

Equal Opportunities Implications (to include Welsh Language issues)

25. The preparation of and the consultation on the revised SPG has been undertaken with regard to the Council's equal opportunities and Welsh language policies. Once finalised all documents will be available in Welsh and English.

Corporate/Service Objectives

26. The adoption of the revised SPGs will ensure that up-to-date and robust local planning policies can be used in the consideration of future development proposals in the area.
27. The revision of the SPG as detailed within this report form 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.
28. 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

29. This adoption of the revised SPG documents is a matter for Executive decision by the Cabinet.

Consultation (including Ward Member Consultation)

30. No specific ward member consultation has been undertaken as the application of the revised SPG affects the whole of the Vale of Glamorgan.

Relevant Scrutiny Committee

31. Environment and Regeneration

Background Papers

Appendix 1 - Summary of SPG Consultation representations and Council's Responses.

Appendix 2 - Final Residential and Householder Development SPG

Appendix 2 - Final Conversion and Renovation of Rural Buildings SPG

Appendix 4 - Final Biodiversity and Development SPG

Appendix 5 - Final Minerals Safeguarding Areas SPG

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