

# Report



## The Leader and Cabinet Member for Sustainable Development

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### Part 1

Date: 11 January 2021

**Subject** Proposed Consultation on Supplementary Planning Guidance

**Purpose** To seek approval to consult on draft Supplementary Planning Guidance on the following topics:

- Shopfront Design SPG (New)
- Affordable Housing (update to existing SPG)
- Flat Conversions (update to existing SPG)

**Authors** Planning Policy Manager

**Ward** All wards

**Summary** **Shopfront Design SPG** The Local Development Plan (LDP) was adopted by Council in January 2015 and is the development plan for Newport. This draft Supplementary Planning Guidance (SPG) has been prepared to provide additional detail and guidance on policies in the LDP with regard to shopfront design and signage for both historic and contemporary shopfronts. It is now proposed to consult on the draft SPGs to seek the views of interested parties.

**Affordable Housing (update to existing SPG)** This draft SPG updates the current Affordable Housing SPG, providing greater clarity on procedure and process.

**Flat Conversions (update to existing SPG)** This draft SPG updates the current Flat Conversions SPG, providing greater clarity on the definition of flatted development.

**Proposal** That Cabinet Members note the contents of the proposed Draft Shopfront Design SPG document, the updated Affordable Housing SPG and the updated Flat Conversions SPG and agree that the documents be released for public consultation.

**Action by** Head of Regeneration, Investment and Housing

**Timetable** Immediate

This report was prepared after consultation with:

- Chief Executive
- Head of Finance – Chief Finance Officer
- Head of Law and Regulations – Monitoring Officer
- Head of People and Business Change
- Regeneration Manager

- Development Management
- Conservation Officer
- Housing Strategy Manager

**Signed**

## Background

It is proposed to consult on three draft Supplementary Planning Guidance (SPG) documents:

### Shopfront Design SPG (New)

The design and appearance of commercial facades has a major role to play in maintaining and enhancing a quality built environment. Over time building elevations can become degraded as a result of inappropriate additions, loss of original features and poor levels of maintenance, therefore it is important that changes to building facades complement the street scene and its character.

Planning Policy Wales notes that good design can protect and enhance environmental quality, which can raise public aspirations, reinforce civic pride and create a sense of place, helping to attract business, promote social inclusion and improve the quality of life.

This SPG has been produced to add further guidance on Policies GP2 (General Amenity), GP6 (Quality of Design), CE7 (Conservation Areas) and Policies R1 – R11 (Retail Policies) within the context of design and appearance of shop fronts and associated paraphernalia.

The draft Supplementary Planning Guidance (SPG) aims to ensure the creation and maintenance of high quality shopfronts and to retain and reinstate traditional or historic facades through a set of 34 design notes. The design notes are principles that aim to ensure new and altered shopfronts respond to the local context. The SPG addresses both Traditional and Contemporary Shop Front Design as well as considering individual design elements including Fascia Design and Lettering; Signage and Advertising; Pilasters and Vertical elements; Windows & Doors; Suspended Ceilings and Mezzanines; Stall risers; Lighting; Canopies and Blinds; Materials; Colours; and Rainwater Goods.

### Affordable Housing (update to existing SPG)

This Supplementary Planning Guidance (SPG) sets out the Council's requirements for affordable housing, to ensure new developments help to meet the City's housing needs and create mixed, sustainable communities. This SPG expands upon the planning policies set out in the adopted Local Development Plan and outlines how the Council expects affordable housing to be delivered as part of new residential developments.

Some minor, but important changes have been made:

- Historically, the Council has used the Three Dragons Toolkit to undertake viability appraisals. However, in order to 'future proof' this SPG, paragraph 1.9 and 4.25 now allow for other industry standard viability appraisals to be utilised. This recognises the ever-changing nature of the industry and ensures the Council can access the most up-to-date appraisal toolkits when negotiating S106 planning obligations;
- Minor change to paragraph 4.1 provides greater clarity on the types of dwellings that are subject to affordable housing commuted sum payments;
- In order to expedite the signing of S106 legal agreements, a minor change to paragraph 5.10 provides greater clarity on the documentation required by the Council's legal team;
- Minor change to paragraph 5.11 allows Legal Fees to reflect officer time, as opposed to a set fee. In addition, reference to the S106 Administration Fee is made to mirror the principal advice in the Planning Obligations SPG.

### Flat Conversions (update to existing SPG)

This SPG aims to ensure that occupants of converted flats have reasonable living conditions, whilst also protecting the character and appearance of the built environment and the living conditions of existing dwellings.

The minor change at paragraph 2.1.1 states that bed-sits and studio flats are also classified as flats. This clarification ensures that the definition of a flat mirrors the classification outlined in the Planning Obligations SPG and, therefore, provides greater clarity when requesting affordable housing commuted sums.

### Consultation Arrangements

The SPGs will be consulted on for a minimum period of 6 weeks. The consultation material will be placed on the Council's website and targeted consultation emails/letters will be sent. SPGs are a material consideration in the determination of planning applications, with the weight attached increasing if it has been subject to public consultation.

### **Financial Summary**

The proposed consultation would have minimal financial costs as the document will be sent out electronically where possible. All relevant information will also be made available on the Council's website. Any minor costs will be met within the existing Local Development Plan budget.

### **Risks**

<b>Risk</b>	<b>Impact of Risk if it occurs* (H/M/L)</b>	<b>Probability of risk occurring (H/M/L)</b>	<b>What is the Council doing or what has it done to avoid the risk or reduce its effect</b>	<b>Who is responsible for dealing with the risk?</b>
Clarity on the LDP policies is not provided and the LDP could be left open to interpretation and planning decisions are open to challenge.	L	L	This SPGs have been prepared to add clarity and guidance on LDP policies to aid the planning application determination process.	Development Services Manager/Planning Policy Manager
Draft SPGs will carry less weight by Planning Inspectors in the determination of planning appeals.	M	L	Draft SPGs prepared awaiting public consultation to increase the weight of the SPG and to be followed up with adoption.	Development Services Manager/Planning Policy Manager

### **Links to Council Policies and Priorities**

The Local Development Plan is one of the statutory plans the council has to prepare. It determines Newport's land use policies to 2026. Liaison has been maintained with officers from the relevant sections to ensure consistency and common purpose. The SPGs produced supplement and support the overarching principles set out in the LDP, adding more detail and clarification where required.

Newport City Council has a Corporate Plan that runs to 2022. Its primary objective is 'improving people's lives'. It has four commitments; Resilient Communities, Thriving Cities, Modernised Council; and Aspirational People. The SPGs will help deliver these commitments by ensuring the creation and maintenance of high quality shopfronts that respond to and enhance their local context

## **Options Available and considered**

1. Approve the draft SPGs for public consultation.
2. Make amendments to the draft SPGs and then approve for consultation.
3. Do not approve the draft SPGs for consultation.

## **Preferred Option and Why**

To approve the draft SPGs for consultation. This will allow interested parties to provide responses on the proposed policy detail before the Council seeks to adopt the document for development management purposes. The weight attached to Supplementary Planning Guidance increases if public consultation is undertaken prior to adoption.

## **Comments of Chief Financial Officer**

There are minimal costs in terms of communication and advertising associated with this proposal which will be met from existing budgets. Any further unforeseen costs as a result of the adoption would be met from the Local Development Plan budget.

## **Comments of Monitoring Officer**

There are no specific legal issues arising from the Report. The proposed SPG's set out more detailed practical and technical guidance regarding the application of the strategic land use policies contained in the LDP and provide a consistent approach for the determination of planning applications. The proposed new shopfront SPG is intended to secure design quality in order to maintain the character and appearance of buildings, while the proposed revision to the Affordable housing SPG updates the existing guidance to amend the viability assessment process and the requirements for s106 agreements. The flat conversions SPG again updated the current guidance to provide greater clarity on the meaning of a "flat". The proposed SPG's will need to be subjected to public consultation for a period of 6 weeks and any comments will be reported back to the Cabinet Members in due course, prior to their adoption, with or without amendment. The final SPG's will be a material planning consideration in the determination of relevant applications and greater weight will be attached to them if they have been subject to public consultation, prior to their adoption.

## **Comments of Head of People and Business Change**

From an HR perspective, there are no staffing implications.

These three SPGs will have a positive impact on economic, social and environmental well-being of our communities now and in the future. This has been detailed in full in the Well-being of Future Generations Act (Wales) 2015 section of the report.

## **Comments of Cabinet Member**

Cabinet Member has been briefed and was in support of the consultation subject to a small addition to the draft Shopfronts SPG. The change has been made. The Leader of the Council has also been briefed on the changes proposed to the Draft Affordable Housing SPG.

## **Local issues**

The SPGs will affect all wards in Newport.

## **Scrutiny Committees**

The SPGs have not been through a Scrutiny Committee.

## **Equalities Impact Assessment and the Equalities Act 2010**

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users.

In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

## **Children and Families (Wales) Measure**

Although no targeted consultation takes place specifically aimed at children and young people, consultations on such documentation is open to all of our citizens regardless of their age. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **Wellbeing of Future Generations (Wales) Act 2015**

The Well-being and Future Generations (Wales) Act seeks to improve the social, economic environmental and cultural well-being of Wales. Public bodies should ensure that decisions take into account the impact they could have on people living in Wales, in the future. The 5 main considerations are:

- Long term: **Shopfront Design SPG (New).** Improving design and appearance of commercial facades will help with the longer term goals of protecting and enhancing environmental quality, which can raise public aspirations, reinforce civic pride and create a sense of place helping to attract business, promote social inclusion and improve the quality of life creating a sense of place helping to attract business.  
**Affordable Housing (update to existing SPG)** Improving both process and management aids the ability to deliver sustainable mixed communities.  
**Flat Conversions (update to existing SPG)** Greater clarity of definition aids the ability to deliver sustainable mixed communities for future generations.
- Prevention: **Shopfront Design SPG (New).** The consideration of good design and standards as a result of the SPG will prevent poor schemes from being implemented.  
**Affordable Housing (update to existing SPG)** Providing sustainable mixed communities enables social cohesion, thereby helping to prevent social and economic discrimination.  
**Flat Conversions (update to existing SPG)** Greater clarity of definition helps prevent the erosion of mixed communities.
- Integration: **Shopfront Design SPG (New).** The SPG aims to encourage better quality design in new developments. The SPG will encourage developers to consider how their development fits in with the existing context of individual buildings and to the wider street scene in general. It will also help to integrate good design and make the developments more attractive.  
**Affordable Housing (update to existing SPG)** Enabling mixed communities integrates society at both a social and economic level.  
**Flat Conversions (update to existing SPG)** Clarity of definition enables the proportionate integration of communities at a level that encourages social cohesion.
- Collaboration: This report seeks approval for consultation of the draft documents. The consultation will inform the final versions and allow collaboration between those interested stakeholders. The Council's Development Management and Housing Department have been central to the content of the documents.

**Involvement:** This report seeks approval for consultation of these documents. The consultation will inform the final version of the documents and seeks views from interested parties. Their involvement is key to producing useful documents that can be used to implement the Council's sustainable development objectives.

The proposal is in line with the Council's well-being objectives published in March 2017. Specifically, these proposals contribute to the well-being objectives to promote economic growth and regeneration whilst protecting the environment.

### **Crime and Disorder Act 1998**

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the consultation of these guidance documents.

### **Consultation**

The draft documents have not been made publically available. This report is seeking permission to consult the public and other interested parties.

### **Background Papers**

Draft Shopfront Design Supplementary Planning Guidance.



Shopfront Design  
SPG V04 08-10-20

Affordable Housing SPG (update to existing).



Affordable Housing  
SPG (16-09-20).docx

Flat Conversions SPG (update to existing).



Flat Conversions  
SPG (16-09-20).docx

Dated: 23 October 2020