
CABINET PROPOSAL

AGENDA ITEM:

SHOPFRONT DESIGN AND SIGNAGE SUPPLEMENTARY PLANNING GUIDANCE (SPG)

Reason for this Report

1. To advise on the outcome of consultation on the Shopfront Design and Signage draft Supplementary Planning Guidance (SPG) and recommend its approval, as amended, by the Council.

Background

2. The Council has a number of SPGs which are prepared to supplement the policies contained in previous adopted plans. In order to ensure conformity with the Cardiff Local Development Plan (LDP) policies (adopted 2016) a programme of SPG to support and amplify the policies in the LDP is being produced. This SPG is the sixth tranche of this programme.
3. Welsh Government guidance encourages local planning authorities to prepare SPG to provide advice on how LDP policies will be implemented. This should help those involved in the development and planning process understand the purpose and objectives of policies and assist the submission of permissible planning applications.
4. SPG must be consistent with planning legislation, Welsh Government guidance and the LDP. It should be prepared in consultation with the public and appropriate interests, and their views should be taken into account before formal Council approval. SPG may be given weight as a material consideration when making decisions on planning applications.
5. From early November to mid December 2018, consultation was undertaken on the SPG, which included the following:
 - A six week public consultation period
 - A public notice in the local press
 - Copies of the documents were made available to view in all Cardiff Libraries.
 - The consultation was advertised on the Council's website.

6. In addition to the above, Councillors were notified about the current SPG consultation and an email/letter notification was sent out to consultees on the SPG Consultation List. This list includes around 300 formal LDP consultees, businesses, interested groups or individuals who have requested to be kept informed of SPG consultations. The SPG appended to this report contains appendices outlining the specific consultation undertaken, a summary of the representations submitted and the changes made in response.

Shopfront Design and Signage SPG

7. The SPG seeks to outline the Council's planning policies in terms of the design of new, and alterations to, existing shopfronts and shopfront signage within the city.
8. The authority recognises the role that well designed shopfronts can play in enhancing the character and appearance of buildings and streetscapes throughout the city. The SPG seeks to increase the provision of high quality shopfront design in the future.
9. The key points from the SPG may be considered as follows:
 - Relates to Policies KP5 (Good Quality and Sustainable Design), EN9 (Conservation of the Historic Environment) and R1-R8 (Retail) of the LDP
 - Identifies key design principles to be taken into consideration in the design of new / alterations to existing shopfronts
 - Seeks that shopfront alterations to older buildings respond to historic context
 - Promotes and encourages the use of Welsh Language and bilingual signage on shopfronts
 - Seeks the integration of community safety and security measures, in a way that does not to impact on the character and appearance of surrounding areas.
10. A wide range and variety of around 50 comments were received through the consultation process, a number of which were replicated by different consultees. These are addressed within an appendix in the SPG. Of the comments received, a number will lead to changes within the final SPG, although these are relatively minor in nature and do not alter the main thrust of the SPG.
11. Many of the comments received were generally supportive in principle of the SPGs aims. Others felt that the proposed standards were too restrictive and some relatively minor or technical points were raised and have been acted upon. A number of comments wished for further strengthening of wording, particularly with regard to Welsh language and bilingual signage.

12. In terms of Welsh language / bilingual signage, with regard to the 'six tests' associated with the use of planning conditions and particularly where the majority of shopfront signs only relate to company trading names, businesses cannot be required to provide Welsh language / bilingual signage through the planning process. As such, the SPG seeks to raise awareness and actively encourage / promote its use, so that it can be more frequently taken into consideration and, where opportunities arise, incorporated from the outset of new development proposals / planning applications.
13. In addition to the guidance provided through the SPG, for all commercial development applications and/or where signs and notices for the public are required, a recommendation will be included in the Planning Decision Notice which reminds developers of their duties under the Welsh Language (Wales) Measure 2011.
14. Overall, the proposed amended version of the SPG is considered to represent another key element of guidance, which, together with other relevant policies and SPG will provide the necessary framework for the consideration of future proposals.

Wider Related Issues

15. It should be noted that not all adverts (shopfront signs) require advertisement consent if they meet criteria relating to height, font or logo sizes and illumination. Such shopfronts benefit from 'deemed consent'. The SPG cannot therefore control such signage.
16. There are provisions that Councils can potentially seek to use to extend advert controls, which effectively restrict the scope for 'deemed consent'. However, to implement such controls, approval would be required from the Welsh Government, who would need to be satisfied of the proposed approach on the basis of evidence of adverse impact on a defined area of special importance.
17. The areas in which it may be possible and expedient to adopt these controls are considered limited, given the high threshold of eligibility criteria (demonstrating adverse impact on amenity in an area of special importance) required to support such an approach.
18. With regard to other means of controlling potentially harmful alterations to shopfronts (e.g. painting), it should be noted that Welsh Government are currently considering relaxing existing regulations to allow Local Authorities to serve Article 4 Directions (which allow a local planning authority to respond to the needs of an area by withdrawing certain 'permitted development' rights) for all types of development without seeking approval from Welsh Government.
19. It is therefore considered prudent to await the outcome of this consultation prior to seeking to implement any additional advertisement controls. In the interim, officers will assess the extent of the impact of adverts falling within

deemed consent, potential areas of special importance where controls could be introduced and which method(s) of control could be appropriate.

Reason for the Recommendation

20. To comply with Welsh Government guidance on the process for preparing Supplementary Planning Guidance.

Legal Implications

21. The Cardiff Local Development Plan (LDP) was adopted on 28 January 2016 and contains policies and proposals which provide the basis for deciding planning applications. The policies in the adopted Cardiff LDP have special status under section 38(6) of the Planning and Compulsory Purchase Act 2004 which means that planning decisions must be taken in accordance with it unless material considerations indicate otherwise.
22. Whilst the LDP contains policies and proposals which provide the basis for deciding planning applications supplementary planning guidance (SPG) can be used as a means of setting out more detailed guidance on the way in which those policies will be applied in particular circumstances or areas. SPG may be taken into account as a material consideration when determining planning applications.
23. In order for a SPG to be given as much weight as possible as a material consideration it must be formulated, prepared and adopted in the proper manner. As noted in the report the Shopfront Design and Signage SPG has been subject to public consultation and where appropriate amendments have been made to reflect the comments received.
24. The Council has to be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards when making any policy decisions and consider the impact upon the Welsh Language, the report and Equality Impact Assessment deals with all these obligations. The Council has to consider the Well Being of Future Generations (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales.
25. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.
26. In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2019-22 <http://cmsprd.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Corporate%20Plan%202018-21.pdf> When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should

consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

27. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
- Focus on prevention by understanding the root causes of problems
- Deliver an integrated approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them.

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

28. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties) – the Public Sector Equality Duties (PSED). These duties require the Council to have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of 'protected characteristics'. The 'Protected characteristics' are: • Age • Gender reassignment • Sex • Race – including ethnic or national origin, colour or nationality • Disability • Pregnancy and maternity • Marriage and civil partnership • Sexual orientation • Religion or belief – including lack of belief.

29. The LDP was subjected to an Equalities Impact Assessment. The SPG supplements and provide guidance on the policies which were prepared within this framework.

Financial Implications

30. No direct financial implications are expected to arise from the adoption of the Shopfront Design and Signage Supplementary Planning Guidance.

HR Implications

31. There are no HR implications arising from this report.

CABINET PROPOSAL

Council is recommended to approve the Shopfront Design and Signage Supplementary Planning Guidance as amended and appended to this report.

THE CABINET
16 MAY 2019

The following Appendix is attached:

Appendix A Supplementary Planning Guidance: Shopfront Design and Signage