



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 3 JULY 2018

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Minutes of the Meeting Held on 12 June 2018** **5 - 16**
5. **Peterborough Statement of Community Involvement (SCI)** **17 - 38**
6. **Approval of Draft Updated Reg 123 List and Community Infrastructure Levy Supporting Policies** **39 - 58**
7. **Development Control and Enforcement Matters**
 - 7.1 **18/00377/REM - Land To The West Of Uffington Road, Barnack, Stamford** **59 - 118**
 - 7.2 **18/00766/FUL - Corbar First Drift, Wothorpe, Stamford.** **119 - 134**



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Committee Members:

Councillors: Iqbal, G Casey (Vice Chairman), L Serluca, C Harper (Chairman), P Hiller, J Stokes, S Martin, Bond, R Brown, Nawaz, and B Rush

Substitutes: Councillors: Hogg, M Jamil and Warren

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Lee Collins, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds, Vicky Hurrell, Sundas Shaban, Amanda McSherry, Matt Thomson, Michael Freeman, Jack Gandy, Carry Murphy and Joe Davis

Minerals and Waste: Alan Jones

Compliance: Nigel Barnes, Julie Robshaw, Glen More, Andrew Dudley

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 12 JUNE 2018
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Shaz Nawaz, Amlad Iqbal, Jamil, Hiller, Bond, Coles and Warren

Officers Present: Lee Collins, Development Management Manager
Dan Kalley, Senior Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Simon Ireland, Head of PCC Highways
Vicky Hurrell, Principal Development Management Officer
Carry Murphy, Planning Officer

Others Present: Lee Gordon, Weightmans Solicitors (Item 5.5 only)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Serluca, Stokes, Martin and Bull. Councillor Warren, Coles and Jamil attended as substitute.

2. DECLARATIONS OF INTEREST

Councillor Coles, declared a non-pecuniary interest in items 5.1, as he was a Governor at Jack Hunt Academy.

Councillor Hiller, 5.2, declared a non-pecuniary interest in item 5.2 as he was involved in initial negotiations before the current application that was being proposed.

3. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

None were received.

4. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 24 APRIL 2018

The minutes of the meeting held on 24 April 2018 were agreed as a true and accurate record.

5.1 18/00251/R3FUL - RECREATION GROUND, THORPE LEA ROAD, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to the creation of a sports pitch and running track, a mobile classroom, changing facilities

and WCs including perimeter fence and associated soft landscaping. The proposal also includes the installation of a temporary mobile building to include classroom, changing facilities and toilets, and the erection of 2.4 metre high weldmesh security fencing. It is also proposed for the existing goal posts present within the site to be relocated further to the east, still within the wider POS but outside the boundary of the proposed playing fields.

The Development Management Manager introduced the report and update report. There had been 26 objections in the first round of consultations and 19 in the second round. Sport England had made representations in support of the application. The objections had focused on concern over crime and anti-social behaviour, loss of open public space, negative visual impact and increased levels of noise and disturbance. The Committee were informed that although the proposal represented a loss of open space, officers were satisfied under the adopting and emerging plan policy and criteria set out in paragraph 74 of the National Policy Framework, that the loss was acceptable in this instance. Members were informed that the school currently had no playing field on site and this use of land was closer than other alternatives. The facility would only be used by West Town Academy and generally in term times, this would therefore alleviate levels of noise and disturbance, occurring mainly during the day and at term time. In addition there was no lighting proposed for the playing fields.

Councillor Alan Dowson, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Originally became aware of the application whilst Chair of Thorpe Hall trust, at that time the Council decided to develop Thorpe Hall Meadows for housing and the Trust was informed at that stage that no further development would take place. The application in front of Committee was going against this assurance.
- A number of residents had strong objections to the proposed developments and were concerned over the loss of open space.
- There were alternative and suitable sites that could have been developed for this purpose, such as Angus Court.
- Angus Court playing field was already being used for the purposes outlined in the application. It would save time and cost for the school to use this site, it was already fenced and had road access.
- School children would not have to cross over major roads in order to use Angus Court fields, if the current proposal was accepted they would have to cross a busy and dangerous road.
- The application seemed to be more about the development of the site over the safety of children being able to access the site.
- As a Councillor the application was not wholly justified as there were other suitable sites in the area that can be used.

Harry Machin, Joan King and Jill Murdoch, Residents Association addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- After a wide consultation with residents, it was clear that although a number of people supported the application they were in the minority.
- The application site was well loved by local residents and appreciated by those who lived in the area.

- There was an error in the report, the distance from the school to the site was actually closer to 700m and not 300m as per the report.
- The route that would be taken by the school children to Angus Court playing fields was far less dangerous than the route they would have to take to the application site.
- There would be great loss to biodiversity, there had already been the loss of the developing wildflower meadow, adjacent to the site.
- Public space was deemed to be vital, this was laid out in CS18, LP23 and para 74 of the National Policy Framework. It could only be developed if there was such a great benefit to the area..
- Before making a decision the Committee needed to take account its own policy and national policy.
- A large and well facilitated playing field already existed at Angus Court which could be used. In addition the school had opportunity to develop a small field within its own school boundaries.
- If the need was so great, why could the school not continue to use its old field temporarily.
- School itself had not demonstrated its need sufficiently in order to depart from local and national planning policy.
- The application was not justified and this development would be a loss to local residents.
- There was a visual impact of the development as it would now block views of the cathedral.
- It was not clear how the proposed road crossing would work in principle.

Mark Woods, CEO, Cambridge Meridians Academy Trust, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The current provisions at the school site were Inadequate. There was a real need to have suitable facilities for the children.
- The school was in special measures when it was taken over. It was not safe to use the facilities that were already in place. It was the right time for the school to look at external options. There was a real risk that if things did not improve the school could be put back into special measures by Ofsted.
- With the upgrades to Thorpe road and the new pedestrian crossing there was now no concern over the safety of children using this road, especially as they would be supervised.
- The school has been in discussion with Council officers to ensure a cost effective solution was proposed that would benefit the school children as well as minimising nuisance to the local community.
- The school had worked closely with the Thorpe Gate Residents Association and had found that there had been more positivity from local residents than what had been presented.
- Students at the school did not have access to suitable playing fields and this situation had been going on for too long.
- The school would be happy to discuss the possibility of opening up the facilities to local residents, so that they could also take advantage of the playing facilities
- There was no intention of using the facilities out of school hours.
- There were no plans to block or restrict the proposed tarmac path.
- There was a possibility that a permanent structure would replace a temporary structure but there were no plans to go beyond the current proposed footprint.
- It was possible in the future that a number of other local schools could be invited to use the facilities.

- In terms of discussion there were three meetings to discuss issues raised by the Thorpe Gate Residents Association.
- A number of letters have been sent in that were positive and in support of the application.
- There were a number of educational benefits that sat alongside the development of the playing field.
- There had been at least three meetings with local residents to discuss their issues and address the rationale of using the site as a playing field.

The Planning Committee and Environmental Committee debated the report and in summary, key points raised and responses to questions included:

- It was confirmed that the school site was in fact 700m from the site and not 300m as detailed in the report. However this did not impact the decision of Planning Officers. The proposal complied with the criteria in developing open space.
- Highways had not been consulted on this application, however when the application for the school itself came through there were no issues as the improvements made to Thorpe Lea Road allowed pedestrians to cross safely. They were confident that new traffic lights were suitable to use allowing school children to be escorted to the playing fields.
- The issue around the development of Angus Court was not a material consideration. The Committee needed to take into account the proposals in front of them.
- The School had made a strong case to have the playing field at the proposed site. There had been no objections raised by the Ward Councillors. There was a possibility for the facility to be open to members of the public to use once it had been developed.
- The benefits to the school were far greater than the current facilities that were in place.
- Once fence was to be built this would probably mesh into the background and wouldn't have a negative impact on the visual scenery.
- Good development in principle and would increase the physical activity of children and eventually to the wider community.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (9 in favour 1 abstention) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The proposal would represent improved sports education facilities for pupils of West Town Primary School which should be afforded great weight, in accordance with paragraph 72 of the National Planning Policy Framework (2012);
- Whilst the proposal would represent the loss of existing public open space (POS), it is not considered that this would result in an unacceptable deficiency for the local area and mitigation may be secured through the provision of goal posts to the west

of the site, on an area of POS already being reverted to recreation space, in accordance with Policy CS18 of the Peterborough Core Strategy DPD (2011), emerging Policy LP23 of the Peterborough Local Plan 2016-2036 (Submission Version) and paragraph 74 of the National Planning Policy Framework (2012);

- The proposal would not result in unacceptable harm to the amenities of neighbouring occupants, in accordance with Policy Cs16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan 2016-2036 (Submission Version);
- No undue impact to the safety of the surrounding public highway network or its users would result, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version);
- The proposal would not pose an unacceptable risk to trees or landscape features of key amenity value to the surrounding area, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP29 of the Peterborough Local Plan 2016-2036 (Submission Version);
- the proposal would not harm biodiversity within the site, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011), Policy PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP28 of the Peterborough Local Plan 2016-2036 (Submission Version);
- The proposal would not be at unacceptable risk from, or result in increased flood risk, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and emerging Policy LP32 of the Peterborough Local Plan 2016-2036 (Submission Version); and
- The site would not be at risk from contamination such that it would pose a risk to human health or controlled waters, in accordance with Policy PP20 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP33 of the Peterborough Local Plan 2016-2036 (Submission Version).

5.2 17/00823/FUL - FORMER PARCEL FORCE SITE, MASKEW AVENUE, NEW ENGLAND, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to an application for the construction of 7 x A1 (non-food bulky goods) retail units (total 16,027 sq. m GIA), 2 x A3 (restaurant/cafe) units (total 557 sq. m GIA), car parking, servicing, new vehicle access and off-site highway improvements

The Planning Officer introduced the report and update report. There had been no objections raised by Ward Councillors and no residents had objected. The only representations made were from retailers outlining concerns over the impact to the City centre and the North Westgate Scheme. Although the land had been Identified for employment use, this development represented a loss to this use. There was a need for around 80ha of employment land but around 160ha had been identified across Peterborough, there was therefore no shortage of land identified for Employment use. The site would still offer the opportunity for employment both during construction and

once the site was fully operational. This was an out of centre development, it was therefore only acceptable to be developed if there no suitable sites in the City Centre. A retail consultant had confirmed the application was acceptable and that there were no other alternative city centre sites available for this scale of development.

Mary Davidson the agent, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application had been well scrutinised since it was submitted. It was a positive and beneficial application for the site and the proposal would bring back active employment on the land..
- The units and restaurants would create in the region of 120 to 150 jobs on what was essentially land earmarked for employment use.
- There were going to be improvements made to the local highway infrastructure, most notably to Maskew Avenue itself.
- The overall CIL bill was going to be over £1 million.
- The scheme had been identified by Wren Kitchens who were also the developers of the land. They wanted to ensure that their destination was in keeping with other like-minded retailers.
- Some of the retailers identified as being interested in the site included, Baker and Stonehouse, Habitat, Better Bathrooms, Furniture Village, Loaf and Homesense. In addition the developers would also like to see an electrical operator and carpet store included in the scheme.
- Teh scheme was going to break the mould of the design of other retail parks. There were to be front elevations, nearly all glazed and finished to a high specification.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- Officers were happy with the city wide assessment and sequential test that had been carry out.
- There were an additional eight conditions relating to highway matters. It was impossible to know the exact length of time to get the highway matters resolved. There was lots of detail on how the partial signalisation on Bourges Boulevard would work, but that these had not been finalised. All highway matters would need to be addressed before work on the actual site could commence.
- The application was a positive for the local area as the site had been completely vacant for twelve years. There had been no objections from Ward Councillors or local residents.
- The creation of 120-150 jobs was a real positive. This had gone through the sequential test and passed the tests applied by the independent retail consultant. There were no other suitable sites locally.
- The site was to be heavily conditioned as to the use of the site, including no high street or clothing retailers.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application as per Officers recommendation. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission as per the officers recommendations.

REASONS FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

The proposal accords with relevant planning policy as discussed above, but specifically:

- a) Cannot be reasonable accommodated within the city centre or district centres within the short to medium term.
- b) Will not result in a significant material impact on the city centre or other district centres as a consequence of trade draw either individually or in conjunction with other recent or planned development.
- c) Would not result in a detrimental loss of employment land.
- d) Would not result in an unacceptable impact on the local and strategic road network or compromise highway safety.
- e) Is located on the edge of an existing retail park area, so there is likely to be linked trips to those other units.
- f) Provides an appropriate level of parking and gives opportunity for some travel by public transport, walking and cycling particularly due to its location.
- g) Can be controlled by condition in respect of design and layout, crime and disorder, infrastructure provision, transport, biodiversity, flood risk/ drainage and potential for contamination.
- h) Would not result in a detrimental impact on protected species or related habitat.
- i) Would represent investment and some employment creation within the City.

The proposal is therefore considered to be in accordance with Peterborough Core Strategy Policies CS03, CS14, CS15, CS16, C21 and C22 as well as Peterborough Development Planning Policies DPD Policies PP02, PP03, PP09, PP12, PP13, PP16 and PP20.

5.3 18/00108/OUT - LAND TO THE REAR OF THE THORPE WOOD HOUSE, THORPE WOOD, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to seeking outline planning consent including the reserved matters relating to access, appearance, layout and scale, with landscaping only reserved to a later stage, for a 2/3 storey 100 bed residential care home (C2) in the form of two wings with a central communal area. The building would have a gross external area of 4198.8m². The quantum of development would provide 1,708m² at ground floor, 1,708m² at first floor and 782.8m² at second floor. The south eastern wing would be 2 storey to a height of 10m. The south western wing would be 3 storey with a maximum height of 13.8m.

The Principal Development Management Officer introduced the report and update report. The main consideration for this site was the material use and the loss of 0.9ha

of Employment use land. This site had been marketed on numerous occasions for office development but these had not come to fruition.

David Turnock the agent, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The pre-application process had started last March and had evolved ever since.
- The applicants and agents had been quite proud of the design.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- There was an increasing need for these types of facilities, especially where operators were struggling.
- The application looked well designed and the area welcomed care homes especially as the population was ageing.
- The site had been derelict for almost 20 years and something needed to be done to the site.
- There would also be a number of jobs created.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASONS FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The site is an allocated employment site within the development plan but the applicant has demonstrated that despite extensive marketing of the site the B1 office use of the site has not achieved interest from prospective occupiers. The proposed use of the site as a C2 Care Home is therefore acceptable in accordance with para. 22 of the National Planning Policy Framework which stipulates that planning policies should avoid the long term protection of employment use where there is no reasonable prospect of a site being used for that purpose.
- The loss of employment land is not considered detrimental to the likely long term supply of available employment land.
- The site can be satisfactorily accessed by vehicles, cyclists and pedestrians. The provision of car parking and cycle parking is considered to be acceptable therefore the proposal would not unduly impact upon the adjacent highway network.
- The appearance, layout and scale of the building is considered acceptable and will not result in a detrimental impact on the character of the area or neighbour amenity.
- The proposal would not result in the loss of trees which provide a positive contribution to the area and adequate tree protection measures would be secured.
- Suitable ecological enhancements and protection measures will be secured by condition hence the development will not result in an unacceptable impact on the biodiversity of the site.

The development is therefore in accordance with Sections 1 (paragraph 22), Section 7, Section 10 and Section 11 of the National Planning Policy Framework, Policies CS14, CS16, CS21, CS22 of the Peterborough Core Strategy, Policies PP1, PP2, PP3, PP4, PP12, PP13, PP16 of the Peterborough Planning Policies DPD and policy LP4 of the Proposed Submission version of the new Peterborough Local Plan.

5.4 18/00503/FUL - 62 BAMBER STREET, MILLFIELD, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to seeking to change the use of the public open space to a private garden, as well as permission to construct a two metre high boundary wall to the south and west boundaries of the public open space. The proposed wall would connect to the existing wall on the west boundary, with the chamfered wall demolished to create an opening into the application site.

The Principal Development Management Officer updated the Committee on the proposal. National and Local policies do seek to protect public spaces and existing space should not be built on unless appropriate and could outweigh the benefits to this. This open space helped to break up the harsh visual impacts of the terraced houses.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The National Planning Policy made it clear that if there was open space it should not be built on unless there were overwhelming arguments to do so.
- The proposal was to use the space as garden land. which would allow the applicant to build any structure upon this land, with planning permission.
- A condition could be placed on the application, however this would still be a loss of amenity to the area.
- If this was to be approved officers would look at placing TPO's on some of the trees that would be included in the application site.
- There was a worry that if this application was approved it would set a precedent for future applications to follow.
- Although there were occasions were an application to built on open space was beneficial it was rare and would have to be of wider benefit to the community.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (Unanimously) to **REFUSE** the planning permission subject to relevant conditions delegated to officers.

REASONS FOR THE DECISION:

The proposed change of use, to serve as a private garden to No. 62 Bamber Street, would result in the loss of existing, useable public open space within the Central Ward

and to the specific locality of Bamber Street. The proposed use of the land is for private garden rather than public open space and the scheme proposes no alternative re-provision of the public open space within the surrounding area. In addition, no wider public benefit would be gained from the loss of the public open space to private residential garden. Accordingly, the proposal is considered to be contrary to paragraph 74 of the National Planning Policy Framework (2012), Policy CS19 of the Peterborough Planning Policies DPD (2012) and LP23 of the Peterborough Local Plan (Submission Stage) DPD (2018).

The proposal, by nature of its size, scale and position would unacceptably impact upon the character and appearance of the site and the surrounding area. The enclosure of this land for additional garden for one of the adjacent residential plots would fail to respect the established layout character of surrounding residential plots and the linear garden forms associated with these neighbouring dwellings. The loss of this open area of green space would have an adverse visual impact upon the character and appearance of the surrounding area. As such, the proposal is considered to be contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policy DPD (2012) and Policy LP16 of the Peterborough Local Plan (Submission Stage) DPD (2018).

5.5 09/01368/OUT - LAND TO THE NORTH OF NORMAN CROSS, LONDON ROAD, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to the development of an urban extension comprising up to 5350 residential dwellings; a District Centre (with up to 9200 square metres (99031 sq.ft) retail floor space) and two Neighbourhood Centres (with up to 2300 square metres (24758 sq.ft) retail floor space) comprising district/neighbourhood retail (A1-A5); community and health (C2, D1); leisure(D2); residential (C3) and commercial (B1) uses. Provision for education facilities (sites for three primary and one secondary school); sports and recreational facilities; a range of strategic open spaces including new landscaping, woodland and allotments; and cemetery provision. Associated highway infrastructure (including pedestrian, bridleway and cycle routes), public transport infrastructure and car parking for all uses. Utilities and renewable energy infrastructure; foul and surface water drainage networks (including suds and lakes)

The Development Management Manager outlined the report and any updates. The Committee were given a brief update on the history of the site, which was granted approval by the Committee in 2015. This application was part of the adopted and emerging local plan. All three land owners agreed to split the S016 agreement into three separate agreements, relating to their own portions. Under the terms of the agreement each landowner was required to deliver certain infrastructure on their own land and pay a set contribution per dwelling into a communal pot, for the delivery of site wide infrastructure, such as schools and roads. All three landowners had been fully engaged in getting the development up and running. All commercial points and negotiation had been successfully completed and two out of the three S106 agreements were ready for signing. If planning permission was granted the permission would be signed and agreed within a matter of weeks. Barretts did not want to sign their S106 agreement, there was a condition that would prevent them from

commencing work on their portion of the site until the S106 agreement was signed. A letter of comfort was sought from Barratts outlining that they were broadly happy with the S106 agreement, however this had not materialised. Barratt's had objected to the condition preventing them from starting work on their portion of the site until a S106 agreement had been signed. In addition the co-owners of the land were concerned that they would not have any right to make use of the infrastructure facilities and services after paying into the communal pot.

The addition of a condition was needed to protect the site and application from planning harm. The suggestion of a collaboration agreement from the co-owners sat outside normal planning process. The council was not planning to adopt this approach as it was deemed unreasonable. This application would be of great benefit to the City and would go towards the housing supply needed to deliver the local plan.

Peter Frampton on behalf of the co-owners of the Barratt land, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposed terms on the planning application that was recommended to be issued, did not make provision for the delivery of infrastructure to the Barrett land.
- The Barratt landowners were being asked to contribute around 17% of the overall infrastructure cost with no arrangement for the delivery of infrastructure to enable development on Barratt's land to be undertaken.
- A suggestion of a reasonable planning condition, would provide the Council with assurance through the condition that the delivery of the project would be achieved, prior to the commencement of the development.
- This condition was reasonable and necessary to achieve a comprehensively planned development in the wider public interest.
- There had been no suggestion from the land owner that a condition be imposed that the Council would have to approve or have sight of. This would only be a commercial consideration between the different land owners.
- Barratt's had been rebuffed by O&H to discuss the possibility of a collaborative arrangement.
- It was suggested that either a planning condition was imposed as per the letters from the representatives of the Barratt land or if the full infrastructure could be met with just the O&H and Marlborough contributions.
- The land owners were still of the view of participating in the development and were not objecting to the scale of the development, but were concerned over the perceived unfairness in the contributions that would have to be made.
- It was requested that the Committee grant the application with the additional condition or defer the decision until the necessary evidence showed that the obligations could be delivered, without a contribution from the Barratt land.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The total contribution from Barratt land was just over 10 mil pound, if their land did not come forward the Council was still confident that the delivery of the other sites could still take place. There would likely be no need for a third

primary school and a reduction in the size of the secondary school to make up for the shortfall in contributions.

- The entering of a collaborative agreement or something similar was not something that the planning authority would look to enter into.
- The link between utilities and roads was something that would be looked at outside the planning spectrum.
- If the Committee did not grant the application this would go against the housing land supply. This application was part of the emerging local plan and going against this would jeopardise the five year land supply. It was important that the Planning inspector saw the site as deliverable and if not it could be dropped from the local plan.
- The granting of the application at this stage would be for 90% of the site as the Barratt's had not yet entered into the S106 agreement.
- If granted the planning permission would be for the whole site but that barrett could not develop their land until they signed the S106.
- There was no real scope for negotiating down the S106 agreement in the future.
- It was necessary that this site now needed to be developed and to start getting people to move into the area.
- This site would go a long way to dealing with housing and school place issues.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASONS FOR THE DECISION:

Officers recommend that planning permission be granted subject to final signing of the O & H and Marlborough Section 106 Agreements and the imposition of a condition in respect of the Barratts land (restricting development on that land until a S106 Agreement has been entered into) and the attached conditions with authority delegated to the Director of Growth and Regeneration and the Head of Legal Services to complete the S106 and to issue the planning permission.

Chairman
1.30pm – 4.45pm

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 5
3 JULY 2018	PUBLIC REPORT

Report of:	Annette Joyce - Service Director – Environment and Economy Growth and Regeneration	
Cabinet Member(s) responsible:	Cllr Peter Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer(s):	Richard Kay - Head of Sustainable Growth Strategy Phil Hylton - Senior Planning Officer Katherine Eales - Planning Officer	Tel. : 01733 863879

PETERBOROUGH STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

RECOMMENDATIONS	
FROM: Director of Growth and Regeneration	Deadline date: Cabinet - 16 July 2018
<p>It is recommended that :</p> <ol style="list-style-type: none"> 1. Planning and Environmental Protection Committee endorse the Statement of Community Involvement (SCI) as attached at Appendix A, and recommend that Cabinet adopts it. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Planning and Environmental Protection Committee prior to it being referred to Cabinet for a decision.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to seek any comments on the attached draft Statement of Community Involvement (SCI) prior to it being considered by Cabinet for adoption.

2.2 This report is for Planning and Environmental Protection Committee to consider under its Terms of Reference No. 2.6.2.5

To be consulted by, and comment on, the Executive’s draft proposals for Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs), and the Statement of Community Involvement (SCI) at each formal stage in preparation..

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	Major Policy Item - NO Statutory Plan - YES	If yes, date for Cabinet meeting	16 July 2018
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4. BACKGROUND AND KEY ISSUES

- 4.1 It is a statutory requirement (see section 18 of the Planning and Compulsory Purchase Act 2004 (as amended)) for the council to set out how it will consult the public on planning matters, in a 'Statement of Community Involvement' (SCI). An SCI explains to the public how the council will involve the public in planning matters. An SCI needs to set out the standards to be met by the council in terms of community involvement, building upon the minimum requirements set out in legislation. The SCI itself, attached at **Appendix A**, contains more details on the purpose of an SCI.
- 4.2 The current SCI was adopted on 7 December 2015, it, therefore, is now in need of a review and update, especially following two recent legislative updates.
- 4.3 First, Section 6 of the Neighbourhood Planning Act 2017 amended Section 18 of the Planning and Compulsory Purchase Act 2004 (statement of community involvement) by inserting a subsection (2B), which states that a "*statement of community involvement must set out the local planning authority's policies for giving advice or assistance*" in relation to Neighbourhood Planning. This requirement comes into force on 31 July 2018, by virtue of the Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018.
- 4.4 Second, Section 12 of the Neighbourhood Planning Act 2017 also amended section 17 of the Planning and Compulsory Purchase Act 2004 (local development documents) by inserting a subsection (6A), which enables the Secretary of State to require a local planning authority to review a local development document at such times as may be prescribed. If he does prescribe as such, the newly inserted subsection (6B) states that a local planning authority, when reviewing such a prescribed local development document, "*must consider whether to revise the document following each review, and if they decide not to do so, they must publish their reasons for considering that no revisions are necessary.*"
- 4.5 The above subsection (6B) was followed up by Regulation 4 of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 which inserted a new Regulation 10A into the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 4.6 Regulation 10A (which came into force on 6 April 2018) requires, inter alia, a local planning authority to review an SCI "*every five years, starting from the date of adoption of the statement of community involvement*". As subsection (6B) explains above, whilst such a review does not necessarily mean 'amend and adopt' every five years (it could mean 'review, but decide it remains fit for purpose'), the general government expectation is that the SCI is refreshed and adopted every five years.
- 4.7 For Peterborough, the last SCI was adopted in December 2015. As such, whilst a 'review' is not strictly necessary until December 2020 (at the latest), an early review now is deemed appropriate and sensible, following the above legislative changes. That legally required 'review' has been undertaken by officers, and for reasons set out below, a refreshed SCI (as attached) is recommended to be adopted. If Cabinet decide not to revise and adopt the SCI, it would be helpful if, by virtue of subsection (6B) referred above, it published its reasons for considering no revision is necessary (though this is not strictly necessary until December 2020).
- 4.8 As described above, there is a legal requirement to review the SCI every five years (minimum). Officers have undertaken a review, and are recommending that a revised SCI be prepared and

adopted. The reasoning why a revised SCI is necessary is because:

(a) numerous legislative changes since the last SCI was adopted in 2015, which means the present SCI is somewhat out of date;

(b) upcoming legislative requirement, from 31 July 2018, requires an SCI to include neighbourhood planning advice. Whilst the present 2015 SCI includes some advice on neighbourhood planning, it again is dated and in need of a refresh.

4.9 The review of the current SCI has also provided a timely opportunity to reconsider the consultation commitments included within the 2015 version. It is important to remember that once adopted, the local planning authority must follow what it says in its SCI. If it did not do so (whether that be for plan making, determining planning applications or neighbourhood planning matters), it would be open to legal challenge. It is essential, therefore, that we get it right, neither committing ourselves to doing too much (and not being able to meet such commitments) or too little (and not meet Member / public expectations of involvement).

4.10 Subject to any views of this Committee, if Cabinet are supportive of the attached SCI, then it is free to adopt it and it will come into force with immediate effect (subject to any call-in). There are no further regulatory stages (such as public consultation or independent examination) required.

5. CONSULTATION

5.1 No public consultation has been taken on this refresh. The purpose of the document is primarily about how the council will consult on other documents it produces, or planning applications it will consider. Public consultation on the SCI itself is not deemed necessary or a resource efficient task to undertake. However, Growth, Environment and Resources Scrutiny Committee are also being consulted (4 July 2018), prior to Cabinet consideration.

5.2 However, there is nothing to prevent public consultation on the SCI taking place, if Cabinet consider it appropriate to do so, prior to it being adopted. This is not, however, recommended.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 That the Committee will endorse the attached refreshed SCI, and recommend Cabinet adopts it. If the Committee wishes to seek amendments to it, such suggested amendments will be reported to Cabinet

7. REASON FOR THE RECOMMENDATION

7.1 In order for Cabinet to be informed of Planning Committee's views on the emerging refreshed SCI.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 To not refresh the SCI. This option was rejected because of the significant legislative changes in recent years meaning the present SCI is somewhat dated. Undertaking the refresh has been a low cost task, particularly as the refresh has been drafted alongside a refresh of the Fenland and East Cambridgeshire SCIs (refreshes for which PCC has been contracted to undertake for those two authorities).

8.2 Significantly greater community consultation commitments. This option was rejected, because if additional commitments are made, then the council legally must fulfil such commitments. As such, any additional commitments would require additional funding to be in place (staff or financial) to enable such commitments to be fulfilled. In the current financial climate, it is not considered prudent to commit to more extensive community consultation.

9. IMPLICATIONS

Financial Implications

- 9.1 Directly, Nil.
- 9.2 Indirectly, the SCI commits the council to undertake various consultation tasks, which, of course, would require some finance to pay for it.
- 9.3 However, the 'commitments' are almost entirely limited to our statutory obligations (and therefore can not be avoided, and budgets are in place already). Where the 'commitments' in the SCI go beyond the minimum legislative requirements, they are of a limited nature, and primarily associated with officer time (eg a certain number of days support to a parish council preparing a neighbourhood plan). Such officer time (and any other costs committed to in the SCI) can be accommodated for via existing budgets and via New Burdens Neighbourhood Planning Funding Grants from CLG for this purpose.
- 9.4 As such, adopting the SCI will require no new funding to be secured (but no financial saving, either)

Legal Implications

- 9.5 See Background and Key Issues Section

Equalities Implications

- 9.6 The SCI applies to all development proposals and all people who engage in the planning system. It does not single out any particular group or sector for any more or less favourable treatment.

As such, there are no equalities implications, either positive or negative.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Peterborough SCI, adopted at Full Council 7 December 2015

11. APPENDICES

- 11.1 Appendix 1 - proposed SCI, July 2018



Peterborough Statement of Community Involvement

July 2018

DRAFT VERSION

This document is a draft version of the SCI, for consideration by Planning and Environmental Protection Committee (3 July 2018), Growth, Environment and Resources Scrutiny Committee (4 July 2018) and Cabinet (16 July 2018).

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Part 1: Introduction

Introduction

This Statement of Community Involvement (SCI) sets out how Peterborough City Council ('the council') will involve and consult with the public and wider stakeholders when planning for the future of the district. Whilst government sets out minimum requirements for public consultation on planning matters, this SCI sets out the council's additional local commitments to consultation.

This SCI covers:

- Consultation arrangement in respect of Planning Applications;
- Consultation arrangements in respect of planning policy matters (such as a new Local Plan); and
- Arrangements for community involvement in, and the requirements of, the Neighbourhood Planning process, including how the council will assist in the preparation of neighbourhood planning matters.

The commitments set out in this document are binding on the council, unless national legislation states otherwise.

What is planning?

Most new buildings, certain changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission.

Peterborough City Council, as your local planning authority, is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, regard must be had to the planning policies which have been adopted for the area (for example, a Local Plan, a Neighbourhood Plan or a Supplementary Planning Document).

How to get involved

There are a number of ways that you can get involved in the planning decisions affecting you and your community. The main ways that you can get involved are:

- Having your say during public consultation periods for planning policy documents (such as a Local Plan);
- Having your say on planning applications affecting your community;
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent);
- Commenting on appeals relating to applications that have been refused by the council; and
- Preparing your own plans and policies for your local area under the Neighbourhood Planning rules.

Please note that this SCI was written based on the council's understanding of national legislation that existed as at July 2018. Should national legislation change, there may be elements in this SCI which no longer apply. The council will endeavour to update this SCI as soon as possible after significant national legislation change.

Part 2: Consultation Commitments on Planning Applications

Step 1: The Pre-Application Stage

What needs planning permission?

Most kinds of development require planning permission; however, there are a number of circumstances where certain types of development are automatically permitted. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) contains a number of 'blanket permissions' for a variety of different works.

If your proposed development falls within what is termed 'permitted development' you will not need to apply for formal planning permission to carry out the works. Permitted development rights are often subject to compliance with standard conditions. It is the owner/developer's responsibility to check and comply with these conditions.

Some developments are subject to a system of 'prior approval' of details. Prior approval means that the proposed development is 'in principle' permitted development. The council can consider whether prior approval of certain details is required in advance of a formal decision being issued. Following an application, if no information is requested by the council within fixed timescales, the application is approved. For certain types of prior approval, the council will notify occupiers of neighbouring properties and allow them to submit comments.

The council's pre-application advice service

Pre-application is the phase before a developer formally submits a planning application. Discussions with the council at this stage are recommended as they can ensure that future development enhances the built and natural environment whilst potentially speeding up the formal planning application process. Further information relating to the pre-application stage is available on the council's website: <https://www.peterborough.gov.uk/council/planning-and-development/planning-and-building/>

Developer pre-application consultation with the community

Section 122 of the Localism Act 2011¹ introduced a duty for developers to consult local communities before submitting planning applications for certain developments. This duty came into force on 17th December 2013². However, it is the council's understanding that only certain wind turbine developments are, as yet, classed by government as falling under this duty. Government retains the ability to introduce other types of development to fall under the duty, should it decide to do so in the future.

However, even if not compulsory for all other types of development, pre application consultation will enable communities to raise issues with and make suggestions to the developer. This might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/section/122/enacted>

² <http://www.legislation.gov.uk/uksi/2013/2931/made>

Step 2: Planning Application Process

Community consultation on planning applications

Planning legislation requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.

Consultation on planning applications will take place with both statutory and non-statutory consultees. Who is consulted on each individual application will depend on the nature of the proposal and its location. All consultees have 21 days from the issue of the consultation notice to make comments on the application (extended as appropriate where the period extends over public or bank holidays). However, some bodies such as Natural England will be allowed a longer period of time to comment where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

How the council consults on planning applications is set out below:

Development type/size	Peterborough City Council consultation commitments
<ul style="list-style-type: none">• Major developments (residential sites of either 10 dwellings or more, or 0.5 hectares or more, or commercial developments of 1000 sq. meters or more in floor space or one hectare or more);• Applications subject to Environmental Impact Assessment (EIA);• Work affecting listed buildings or conservation areas;• Applications affecting public rights of way, bridleways or byways.	Newspaper notice, site notice and neighbour letters
<ul style="list-style-type: none">• All other developments	Neighbour letters and sometimes site notice where neighbours cannot all be identified

Planning applications can be viewed online using the council's Public Access system, available on our website. Using the system, it is possible to search for, view and comment on planning applications. It is also possible to track the progress of an application using the system.

Once a valid application has been received, we aim to provide a decision within 13 weeks if it is a major planning application or within eight weeks if it is an application for minor or other development. Applications for development subject to an Environmental Impact Assessment have a longer time within which we aim to provide a decision at 16 weeks. We will determine planning applications as soon as is possible after the 21 day consultation period has ended.

All comments on planning applications must be submitted in writing (letters, faxes and emails) to the council within the specified 21 day consultation period. All such communications received are placed on the planning file which is available for public inspection. They cannot be treated as confidential.

Consultation on amended planning applications

Sometimes the applicant will make a change to the development proposal to overcome particular issues. We will consult on these changes as set out below:

Level of change	Re-consultation
Where the change is insignificant and would not impact on neighbours	No re-consultation will be undertaken
Where the change significantly alters the appearance or layout of the proposal and would be of interest to neighbours/ community groups	Notification letter sent giving a minimum 14 days for comment. A revised site notice and press article will be displayed for significant alterations, or for major/ EIA/ conservation area/ listed building/ right of way applications.

Occasionally developers may wish to make amendments to a development that has already been granted planning permission. Where the proposed change is minor and classed as a 'non-material amendment', no consultation will be undertaken. Where the amendments are more significant and are classed as a 'material amendment', re-consultation will take place, as set out under consultation commitments above. Applications to delete or vary a condition attached to the permission will also be re-consulted on as set out under the consultation commitments.

Who makes the decision on planning applications?

The council receives approximately 2,500 planning and related applications a year. The decision on the majority of these applications is delegated to Officers in accordance with the details set out in the council's Scheme of Delegation and its Standing Orders. Generally speaking, the more minor a proposal, the more likely it is delegated to Officers to approve or refuse the application.

The Planning and Environmental Protection Committee is, at the time of adopting this SCI, made up of 11 councillors. The councillors have the task of deciding planning applications in accordance with planning policy unless material considerations dictate otherwise. Generally speaking the Committee considers only the larger applications, those that are contrary to policy or subject to significant local interest. In addition, the Committee will also consider smaller applications if requested by a parish council or district councillor. There are opportunities for objectors, applicants and others to speak at the Committee meeting before a decision is made.

The planning officer's report, setting out all the planning issues and representations made, is made available a week before the Committee meeting and will make a recommendation to Planning and Environmental Protection Committee stating whether or not an application should be approved, having been considered against the Local Plan and any material considerations.

Reporting on decisions

The results of consultation on planning applications will be taken into account during the decision making process. Progress of planning applications, and the decisions made, can be tracked on the 'Public Access' system on the planning pages on the council's website.

Step 3: Appeals

Planning appeals

If the person who applied for planning permission does not like the decision that the council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal with the Planning Inspectorate. No one else has the right to appeal the decision (for example, you cannot appeal a decision if your neighbour gets approval for an extension you objected to) other than by way of a judicial review.

When a decision has been appealed against, the council informs all parties who objected during the application stage that an appeal has been lodged. All copies of letters and comments received during the original application stage are forwarded to the Planning Inspectorate.

If an application is then approved by the Planning Inspectorate, the only recourse available to third parties would be to apply for judicial review of the decision. This is an extremely rare event.

Step 4: Enforcement

Community involvement in planning enforcement

Planning Enforcement (also known as Planning Compliance) describes the processes involved in ensuring that people comply with planning law and the requirements of a planning permission. The process involves little public consultation, as many investigations are confidential. In addition, public consultation would not be necessary or appropriate as the objective of enforcement action is normally to return the land to its lawful state.

The majority of cases come about from referral by members of the public, councillors or planning officers. Whilst there is no public consultation on a compliance case, the council will ensure that the complainant is informed of the outcome of our investigations.

A complaint can be made in respect of a development or advertisement that is occurring without planning permission; without complying with conditions that have been attached to a permission; or that is not in accordance with an approved plan. There is an electronic form on the council's website for reporting what you think is a planning breach, alternatively please call the Planning and Enforcement Team on 01733 453495.

If, following investigation, it is necessary to serve a formal notice (e.g. Stop Notice, Enforcement Notice or Breach of Condition Notice) it will be placed on the enforcement register of notices. This register can be viewed on request.

Part 3: Consultation Commitments on Planning Policy

Introduction to Planning Policy

The National Planning Policy Framework (NPPF) explains that the Local Plan (sometimes referred to as a 'Development Plan Document' or, in the future, it may be referred to as a 'Strategic Plan') is a plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.

The primary purpose of a Local Plan is to:

- set the vision for how the local area will grow and change;
- set policies for use by developers when preparing their proposals; and
- be the key reference tool by decision makers when determining applications for planning permission.

The Local Plan deals with planning issues across the whole council area, and makes the big decisions on the location of housing, employment and roads, for example.

The council has a good track record of keeping its Local Plan up to date, and has already committed to keeping its policies up to date by aiming to adopt a new Local Plan by early 2018.

Should any joint plan be undertaken which covers the Peterborough City Council area, then the provisions of this Statement of Community Involvement will equally apply to a joint plan as to the district wide Local Plan.

There are other planning policy related documents which the council produces (or local communities, in the case of Neighbourhood Plans), with the main ones as explained below:

- The **Local Development Scheme (LDS)**, set out the timetable for the production of a new Local Plan.
- **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in the Local Plan and any Neighbourhood Plans apply. The Policies Map includes inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a Local Plan (including a Minerals and Waste Plan) or Neighbourhood Plan is adopted.
- **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its Local Plan. They do not form part of the statutory development plan and are not subject to independent examination. The council can decide to produce an SPD on any appropriate subject whenever the need arises.
- **Neighbourhood Plans:** Local communities and Parish Councils can now prepare Neighbourhood Plans (NPs), putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in the Local Plan and with national policy. It is up to local communities and Parish Councils to decide if it wants to produce a Neighbourhood Plan. Any NP, if adopted, has the same status as a Local Plan.
- **Statement of Community Involvement (SCI)**, i.e. this document.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the LDS is being implemented and the extent to which policies in the Local Plan are being achieved.

Who will we consult on an emerging Local Plan?

When producing a Local Plan there are a number of groups that the council must consult with. These are identified as 'specific consultation bodies' and include:

- Parish Councils;
- Neighbouring authorities; and
- Relevant government agencies.

In addition, there are also a number of 'general consultation bodies' who the council may consult with if it is considered relevant to the document that is being prepared. These include:

- Voluntary bodies, some or all of whose activities benefit any part of the district council's area;
- Voluntary bodies which represent the interests of :
 - Different racial, ethnic or national groups in the district council's area
 - Different religious groups in the district council's area
 - Disabled people in the district council's area
 - People carrying on business in the district council's area

There are also people and organisations that the council considers it important to consult with, for example, residents, land owners, businesses, planning consultants, solicitors etc. Where requests have been made we will also consult directly with these people and organisations.

Although those identified above will be specifically contacted during the preparation of Local Plan documents, any individual, business, organisation or group is welcome to submit comments during consultation periods.

When we will consult

There are a number of stages in the plan preparation process where it is possible for the public, businesses and the consultation bodies identified above to become involved and make comments. The main stages of preparation and consultation are set out below.

Public participation (Regulation 18)	During the first stage of public involvement the council will, as a minimum, contact the 'specific' and 'general' consultation bodies as appropriate to inform them of the commencement of the plan preparation process, and invite representations on the scope and content of the plan. There will be a minimum period of six weeks for comments to be made. Following this first stage of consultation, the council may undertake one or more further six week consultations on either more detailed options for the content of the plan or on a revised draft of the Plan. This will inform later stages of the plan preparation.
Pre-submission publication (Regulation 19)	Following the consideration of all comments received at the above stage, a draft plan will be produced, known as the pre-submission or proposed-submission document. On publication of this document, all of the specific and general consultation bodies and any members of the public, businesses, land owners etc who made comments at the previous stage of consultation will (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) be notified that the pre-submission documents are available for inspection. A statement of representation procedure will be available alongside the notification of pre-submission documents. In addition, any individual, business or organisation can submit comments during

	the consultation period, even if they did not make comments at the earlier stage. All comments must be received within the stated consultation period, which will be a minimum of six weeks.
Submission (Regulation 22)	The council submits the Local Plan to the Secretary of State together with the representations received at the Regulation 19 stage. This is not a stage for further public comments to be made.
Independent Examination Hearing	The submitted document, and the representations received, will be considered by a Planning Inspector at an independent examination. Those individuals and organisations who have made representations may be invited by the inspector to submit a written statement during the examination. Individuals and organisations who made an objection to the document and have requested to speak at the examination will be contacted by the Inspector to be informed of the procedure for being heard.
Inspector's Report	The council will notify all those who have requested to be notified, as soon as reasonably practicable following the receipt of the Inspector's Report. The report will also be made available on the council's website.
Adoption of the DPD (Local Plan)	<p>Assuming that the Inspector concludes that the document is sound, either with or without modifications, the council will consider whether to adopt the Local Plan. On adoption, the council will prepare a statement setting out the date of adoption, the modifications (if any) and where and when the adopted documents can be inspected. The opportunity to apply for judicial review will also be explained.</p> <p>The adoption documents will be made available on the council's website, and also at the locations where the submission documents were made available. The adoption statement will also be sent to any person who has requested to be notified, and (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) to all those who made representations on the Regulation 19 document.</p>

How we will consult

At the commencement of consultation periods, the identified specific and general consultation bodies that we have to consult with, as well as any individuals, organisations or bodies who have requested to be notified or whom we think might be interested (subject to any legal requirements arising from the General Data Protection Regulations), will be contacted directly either in writing or via email.

All consultation and submission documents will be made available on our website and paper or electronic copies will be available to view at the main council office. If appropriate, additional paper copies of some of the documents may be made available to view at other locations. In addition to this, we may, if appropriate and cost effective, use other methods of consultation such as press releases, community events and meetings.

During all consultations it will be possible to make comments in writing, or electronically via email or, if available, an online consultation portal. Verbal comments will not be recorded.

Consultation Arrangement for Supplementary Planning Documents

Supplementary Planning Documents (SPDs) can be produced to supplement and add further detail to policies within the Local Plan. They may provide further guidance for development on specific sites or issues such as design.

When preparing an SPD, any individual, business or organisation can take part in the public consultation stage(s). If the council believes that there are specific individuals, businesses or organisations that will have a particular interest in an SPD, they will be invited to make comments (subject to any legal requirements arising from the General Data Protection Regulations).

We will invite comments on the draft version of any SPD that is produced. The consultation period will be a minimum of four weeks.

At the commencement of the consultation period, the draft SPD will be made available on the council's website and at the council main office. If appropriate, additional paper copies of documents may be made available to view at other locations.

During all consultations it will be possible to make comments in writing, or electronically via email.

Following its adoption, the SPD will be made available on our website and at the council main office.

Part 4: Neighbourhood Planning

Introduction

Neighbourhood Planning was introduced through the Localism Act in 2011. It enables parish councils and, in non parished areas, neighbourhood forums to develop a planning strategy for their local area to be used in making decisions on relevant planning applications³.

By virtue of Section 18 of the Planning and Compulsory Purchase Act 2004, subsection 2(B), this SCI must set out the council's policies for giving advice or assistance on Neighbourhood Planning. For the purpose of this SCI, reference is made to a 'neighbourhood plan', though if a Parish Council or neighbourhood forum is interested in preparing a considerably rarer 'neighbourhood development order' then the provisions set out in this SCI for neighbourhood plans equally apply.

A neighbourhood plan can include policies on the development and use of land, however they cannot be used to propose a lower level of growth than that proposed within local authority planning policies.

Importantly neighbourhood plans are required to meet a number of 'basic conditions', which are that the plan must:

- Have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area; and
- Not breach, and be otherwise compatible with, EU and Human Rights obligations.

This Part 4 of the SCI has been produced to set out the key stages in undertaking a neighbourhood plan and to clarify what can be expected from the council at each stage. More detailed independent advice on neighbourhood planning is available via the internet, such as <https://neighbourhoodplanning.org/>.

Formal stages of neighbourhood planning

When preparing a neighbourhood plan there are a number of formal stages that are required by legislation to be undertaken. These stages are set out below and indicate what you should do and what you can expect from the council at each stage.

Stage 1: Neighbourhood Area Designation

In order to produce a neighbourhood plan, the applicable area must be formally designated as a 'Neighbourhood Area'. A Neighbourhood Area is the geographic area that your plan will cover.

In areas covered by parish councils a Neighbourhood Area normally matches the boundary of the applicable parish area. However, it could be just part of a parish area or it could cover more than one parish area, but, if it does so, it should be supported by all parish councils. If more than one parish council is proposing a joint plan we would suggest making a joint application with one parish taking the lead as the 'qualifying body'.

³ Localism Act 2011 (<http://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/3/enacted>)
Neighbourhood Planning (General) Regulations 2012
(http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf)

Where there is a parish council, an application for designation as a Neighbourhood Area will need to confirm that the organisation making the application is the parish council, stating why the proposed area is appropriate, and must be accompanied by a map clearly showing the area being applied for (the council can provide a PDF map if needed). An application form is available on the website <https://www.peterborough.gov.uk/council/planning-and-development/planning-policies/neighbourhood-plans/>

In an area without a parish council, a neighbourhood forum needs to be set up. There can only be one forum per neighbourhood area. The boundary for the area will be proposed by a group who will subsequently apply to be an official neighbourhood forum (if not already established as a neighbourhood forum). An area proposed by a neighbourhood forum cannot include any area covered by a parish council.

Neighbourhood Forum: Further details

The council's understanding of the current legislation regarding Neighbourhood Forums is as follows. Whilst you do not need to be formally constituted as an official forum at the time of application for the designation of a Neighbourhood Area your forum must be at least capable of being designated as a neighbourhood forum. It is up to your group whether you apply for designation as a Neighbourhood Area and Neighbourhood Forum at the same time or separately.

All applications to become a neighbourhood forum should be made using the council application form that is available on request. Neighbourhood forums must meet the following conditions:

1. Established for the main purpose of promoting or improving the social, economic and environmental well-being of an area;
2. The neighbourhood forum covers a designated neighbourhood area (or about to be designated area);
3. Membership has been, and remains open to individuals living, working or acting as elected members in the area concerned;
4. Membership is made up of at least the number required by law⁴, each of whom lives or works within the neighbourhood area.

Once an application to set up a neighbourhood forum has been validated, the council will publish as soon as possible on our website, the following information:

- A copy of the application;
- A statement that if a formal designation as neighbourhood forum is made no other organisation or body may be designated for that neighbourhood area until that designation expires or is withdrawn;
- Details of how and when to make representations (the period for making representations will be six weeks). A potential alternative forum may come forward at this time.

In addition, the council, if appropriate, may also undertake additional advertising of the application.

If an alternative neighbourhood forum wanted to put itself forward to prepare a neighbourhood plan for the designated neighbourhood area it must submit the same information as required by the original applicant within the six week consultation period.

Whether a Parish Council or a Forum, when an Neighbourhood Area application is submitted, the council will validate the application by checking that all of the necessary information is provided. If the

⁴ Set out in the Localism Act 2011

application is not valid you will be contacted by a planning officer to discuss the reasons and offer advice on the next steps.

Once validated, if the application is made by a Parish Council for the whole of their area, no consultation is required and the council must designate the area.

For other circumstances (i.e. not for the whole Parish Council's area, or is for more than one parish area, or for non-parished areas) then the council will publicise notice of the application, and consult on the application for a period of six weeks:

Representations will be considered by the council and a decision will be made on whether to approve the Neighbourhood Area.

With all applications, the council will also decide whether to also designate the area as a Business Area: this will only be the case where the area is wholly or predominantly business in nature.

What you can expect from the city council in Stage 1

We will aim to validate your application or notify you of any problems within 10 working days.

Where an application is by a Parish Council for the whole of their area the council must designate the area. The council will aim to do this within five working days of the application being validated.

If consultation is required, we will publish your application on the council's website and advertise as necessary in at least one of the following (provided one of these exist): local library; community centre; parish council building and/or local notice board, for the consultation period with details of how long the consultation will run and how to make representations.

We will make a decision on whether the area should be designated:-

- Where an area falls within the areas of two or more local planning authorities – 20 weeks from first being publicised;
- For all other areas – 13 weeks from first being publicised.

If these timescales are missed, the default decision is that the area applied for is designated.

We will publicise the decision on whether or not to designate the neighbourhood area on our website.

Stage 2: Produce your neighbourhood plan

There is no 'one size fits all' approach to producing a neighbourhood plan. Each plan will be produced according to the intended content and the nature of the area. It is important to be realistic about the amount of resources and time you can put into the plan.

Effective consultation and engagement is particularly important as it is the community who will ultimately vote on whether the plan should be adopted by Peterborough City Council (see Stage 6).

The council sets out below how it will assist at this stage, as a minimum. This list is not exhaustive, however assistance will be limited to resources available at a given time, and so it is recommended that you should develop a clear project plan to plan for when you anticipate needing assistance from the council. It is important to note that the council's duty to support does not extend to financial

assistance i.e the council does not have any funds available to pass to a Parish Council or Forum in order for the Parish Council or Forum to do any of the work.

When you are reasonably certain about the policies your plan will contain, the council will screen your plan for any environmental impacts. If your plan changes significantly between the screening and the formal submission, it may need to be screened again.

What you can expect from the city council in Stage 2

Advice on matters relating to the neighbourhood plan will be given upon request, but may be capped at four officer working days in total for this stage (unless we agree to extend the number of days). Such advice may include:

- an initial meeting (requests for meetings may be limited to one)
- Advising on potential topics for your plan
- Making data available or advising where to find useful data to provide evidence for your plan;
- Providing advice on the legal requirements for your plan;
- Assisting with preparing any necessary reports;
- Advising on organisations that may be able to help with the production of your plan;
- Advising on ways to engage your community;
- Reviewing a draft of your plan and feeding back comments; and
- Providing up to 5 copies of Ordnance Survey base maps of the neighbourhood area, and printing of up to 20 copies of a draft Neighbourhood Plan

Timescales for a response to any request will vary depending on the nature of the request, but every effort will be made to respond at the earliest opportunity.

We will aim to provide an informal view of whether the plan is likely to meet the basic conditions within 20 working days of receiving a request. This will require a mature draft of the plan being provided prior to the pre-submission consultation.

Stage 3: Pre-submission Consultation

Regulations require that your proposed plan undergoes a six week consultation prior to submitting it (see Stage 4) to the city council. This requirement, which is the parish council's or neighbourhood forum's responsibility to undertake, includes:

- Publicising the plan so that it is brought to the attention of people who live, work, or own a business in the neighbourhood area;
- Notifying a number of bodies such as the Highways Agency, Natural England, English Heritage and the Environment Agency;
- Notifying service providers that operate in the area such as utility providers, a Primary Care Trust, and Network Rail;
- Notifying local organisations that represent racial, religious, national, business, and disability groups;
- Notifying voluntary bodies that operate in your neighbourhood area;
- Notifying parish councils within the neighbourhood area; and
- Sending your plan to the city council.

Prior to publicising your plan, it is recommended that you contact the council who will advise on who (subject to any legal requirements arising from the General Data Protection Regulations) you should be notifying and can advise on how to publicise your plan in your neighbourhood area.

You will need to plan the consultation and make sure that your plan can be viewed by the community and other organisations, both in electronic format and in hard copy. You will also need to consider how you will bring the proposed plan to the attention of the community using means such as mail drops, posters, press adverts, etc.

Once the six week consultation period is complete you will need to review the comments and collate them into a consultation statement, including a response to the key issues being raised. This will demonstrate what changes, if any, will be made to the plan. You will then need to amend the plan to be ready to submit to the council. If significant changes are made, it is recommended that you repeat this Stage 3 six week consultation.

What you can expect from the city council in Stage 3

Assist with identifying the organisations that should be contacted as part of the pre-submission consultation and advise on how to publicise the proposed plan to the community. This will be provided within 10 working days of a request in the run up to the consultation.

If asked by you to do so, publish a notice of your plan on the council's website and place copies of the proposed plan at the council office and other relevant locations such as libraries for the public to view for the consultation period.

Provide a response to the proposed neighbourhood plan, including a view on whether it is considered to meet the basic conditions.

Stage 4: Submission and publication of the plan

First you will need to take account of the comments made to the pre-submission consultation (and make any amendments to your plan as you think necessary). Next, you will need to formally submit your plan to the Council. At this point you cannot make any further changes to the plan and you hand over control of the plan to the council.

Your plan must be accompanied by a number of other documents, specifically:

- A map or statement clearly identifying the area to which the plan relates;
- A consultation statement which clearly documents the pre-submission consultation, including who was consulted on the plan and how they were consulted, a summary of the main issues raised, and information on how the representations have informed the content of the plan. The consultation statement may also demonstrate what previous consultation has been undertaken throughout the production of the plan.
- A basic conditions statement to demonstrate how the plan meets the basic conditions and how the plan has been produced in line with legislative requirements.
- An environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004; or where it is considered that the plan proposal will not have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for determination.

When your plan is submitted, the Council will check your submission to ensure that it contains all of the necessary information to be published and will notify you of whether or not it is valid.

If the submission is valid, your plan and the accompanying documents will be published as soon as possible for six weeks (i.e this is a second six week consultation, in addition to the six week consultation at Stage 3) on the council's website and in hard copy at an appropriate council location. The council will also publicise the consultation as necessary, including information about where to view the plan, how to make comments on it and when comments must be received by.

Following the consultation, the council will gather the representations made on the plan and send them, along with the neighbourhood plan and accompanying documents, for examination.

What you can expect from the city council in Stage 4

We will help you, capped at four officer working days in total (unless we agree to extend the number of days), to consider any representations received at Stage 3, and help you determine what appropriate action should be undertaken with them (eg amend policy wording) prior to you submitting the plan.

Once submitted, we will aim to confirm whether your submitted plan is valid within 10 working days of submission.

If valid, we will arrange for publication of the plan on the council's website, have hard copies placed at an appropriate city council and parish council location, publicise the consultation as necessary and notify the consultation bodies as required, including those who submitted comments at pre-submission stage (subject to any legal requirements arising from the General Data Protection Regulations).

We will provide a formal response to the submitted plan, including a view on whether it is considered to meet the basic conditions.

We will cover all costs associated with meeting minimum requirements for the publication of the plan. We will consider helping with any additional minor costs, such as printing posters or leaflets, if the parish or forum asks us to.

Stage 5: Independent examination

During the publication stage the council will commence appointment of a suitably qualified individual to undertake the independent examination. This appointment will be made in conjunction with the parish council or neighbourhood forum submitting the plan.

After the publication, the neighbourhood plan, accompanying documents and representations made on the published plan will be sent to the examiner. Examinations are normally conducted by written representations, but the examiner may decide to hold a public hearing to discuss any points as needed. The examiner will only consider whether the plan meets the basic conditions.

Following the examination, the examiner will provide a report that sets out a recommendation on the plan. The possible recommendations are:

- The plan meets the basic conditions and should proceed to referendum;
- Modifications are needed for the plan to meet the basic conditions before the plan should proceed to referendum; or

- The plan does not meet the basic conditions and no modifications can be made so that it will – as such it should not proceed.

The examiner can also make recommendations as to whether the referendum area should extend beyond the neighbourhood area, though this will be an unusual recommendation.

The council will make a decision on whether the plan should proceed to referendum based on the examiner’s report and publish the council’s decision statement and the examiner’s report.

What you can expect from the city council in Stage 5

We will appoint the examiner in consultation with the parish council or neighbourhood forum.

We will manage and fund the process of the examination and act as key contact for the examiner.

We will publish the examiner’s report and the council’s decision on whether the plan will proceed to referendum.

We will print and pay for up to 20 copies of the final Plan, in colour, including maps.

Stage 6: Referendum and Adoption

Upon receiving the examiner’s report approving the plan to proceed to referendum and the council’s formal decision to proceed (only in exceptional circumstances would the council not agree to proceed), the council will arrange for a referendum to take place in the neighbourhood area.

The referendum will allow for the residents of the neighbourhood area to decide on whether or not the plan should be used in making planning decisions in the neighbourhood area, with a simple ‘yes’ or ‘no’ vote. The council will arrange and pay for the referendum to be held.

If the plan gains more than 50% of votes for ‘yes’ then the council will adopt the plan at the earliest possible opportunity, making the neighbourhood plan part of the development plan for the area. It will then be used in conjunction with the Local Plan (and any other material considerations) in making decisions on planning applications.

What you can expect from the city council in Stage 6

We will arrange and pay for the referendum.

We will publish the results of the referendum.

We will adopt the plan at the next suitable Full Council meeting

We will use the plan in making decisions on relevant planning applications in the neighbourhood area.

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
03 JULY 2018	PUBLIC REPORT

Report of:	Annette Joyce - Service Director – Environment and Economy Growth and Regeneration	
Cabinet Member(s) responsible:	Cllr Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development.	
Contact Officer(s):	Phil Hylton, Senior Strategic Planning Officer	Tel. 863879

APPROVAL OF DRAFT UPDATED REG 123 LIST AND COMMUNITY INFRASTRUCTURE LEVY SUPPORTING POLICIES

R E C O M M E N D A T I O N S	
FROM: <i>Corporate Director of Growth and Regeneration</i>	Deadline date: Cabinet 16 July 2018
<p>It is recommended that Planning and Environmental Protection Committee:</p> <ol style="list-style-type: none"> 1. Endorse the draft set of Community Infrastructure Levy Supporting Policies Document including a revised Reg 123 List and recommends that Cabinet adopts them. 	

1. ORIGIN OF REPORT

1.1 This report is submitted to Planning and Environmental Protection Committee following an officer review of the current policy documents and a recommendation that they be updated. The relevant Cabinet Member (Peter Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development) has endorsed the putting forward of a report.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to seek the endorsement, for the purpose (where applicable) of public consultation, of Planning and Environmental Protection Committee on the revised Community Infrastructure Levy Supporting Policies Document, the draft revised Regulation 123 List, and the revised Governance Proposals, prior to those items being considered by Cabinet.

2.2 This report is for Planning and Environmental Protection Committee to consider under its Terms of Reference No. No. 2.6.2.5

To be consulted by, and comment on, the Executive’s draft proposals for Development Plan Documents (DPDs), Supplementary Planning Documents (SPDs), and the Statement of Community Involvement (SCI) at each formal stage in preparation.

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	16/07/18
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4. BACKGROUND AND KEY ISSUES

- 4.1 Peterborough City Council adopted a Community Infrastructure Levy (CIL) on 15 April 2015 following a number of consultations and an Examination in Public. The Levy was formally brought into effect from 24 April 2015. In simple terms, CIL provides a clear levy that can be charged for each square metre of floor area in eligible new developments. CIL allows funds from multiple developments to be pooled to subsequently deliver strategic infrastructure.
- 4.2 How much a developer must pay depends on what type of development it is, what part of the district it is located in, and the total floorspace being constructed. All of these details are set out in the CIL 'Charging Schedule'. The Charging Schedule can only be changed following extensive reconsultation, updated evidence gathering and independent examination, a process which typically would take 2-3 years to undertake and be a significant resource undertaking. Officers best estimate is that, even if such an extensive review of the Charging Schedule is undertaken, the net effect is not likely to be significant i.e. it is unlikely that the rates set out on the Charging Schedule would materially alter, particularly as the rates get updated each year in line with inflation. As such, there is no proposal to commence a full review of the CIL Charging Schedule (though this will continue to be monitored).
- 4.3 However, in addition to the Charging Schedule, in April 2015 Council also adopted a number of supporting CIL related policy documents and guidance. In addition, on 7 November 2016, Cabinet agreed internal 'governance arrangements' for spending CIL. It is these supporting documents which have been reviewed, and considered appropriate to update. The full set of supporting documents and policies are:
- Regulation 123 List;
 - Instalment Policy;
 - Payment in Kind Policy;
 - Statement of Exceptional Circumstances Relief; and
 - PCC CIL Governance Proposals
- 4.4 Of the above, the Regulation 123 (R123) List is the most important (see more details below) and it is this policy that is proposed to be revised. In doing so, this is the primary reason why the other related policies above also need a refresh, in order to avoid duplication, ensure consistency and be fully up to date.
- 4.5 The R123 List contains infrastructure types or specific projects for which other types of developer contributions (or 'planning obligations') will not be sought, but for which CIL money collected may be spent. A Local Planning Authority can include as much or as little as it sees fit on the Reg 123 List, but it is important to ensure that inclusion of infrastructure on the list does not preclude the ability to secure any funding through other planning obligations where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 4.6 To put it another way, a R123 List is seen by many (especially the general public) as having the primary role of setting out what infrastructure any CIL money collected might be spent on. However, arguably, its primary role is actually to confirm what infrastructure will not be sought from other developer contributions. On a day to day basis, it is the latter purpose for which the R123 List is used by developers and planning officers.
- 4.7 As well as the R123 List, other locally-defined CIL policies relating to payment installments, payment in kind (such as through provision of land or directly delivering a specific piece of infrastructure) and exceptional circumstances for relief of payments were wrapped up in the April

2015 council agreed 'Community Infrastructure Levy Supporting Policies Document'. It is proposed to retain this umbrella document for these supporting policies, except for the R123 List which is proposed to be separated into its own entity to assist with clarity for customers, and reflecting its importance and more day-to-day use.

- 4.8 Separately, the CIL Governance Proposals document was adopted by Cabinet in November 2016 and contains details about how the Council administers and reports on the spending of CIL funds. These governance proposals have been reviewed by officers are not proposed for material amendment. However, for consistency with amendments to other policy documents, it also requires some minor amendments and is, therefore, being refreshed and re-adoption sought.
- 4.9 Of all the changes, Members attention is therefore drawn to the updating of the R123 List. The changes seek to provide greater definition of what infrastructure is included or excluded from the R123 List, making it clearer for applicants as to what may or may not be sought through other planning obligations. The current (2015) R123 List contained eleven infrastructure types which were quite broad. The revised recommended R123 List proposes the introduction of further detail, being more specific about what is included on the List and what is excluded. Being precise about what is expected will help to avoid unnecessary debate (and potential legal challenges), ensure CIL funds are targeted where intended and, overall, help ensure that the necessary supportive infrastructure is delivered.
- 4.10 The net effect of the changes to R123 List is that whilst developers will not pay any different CIL Levy (because the Charging Schedule is not being amended), developers might end up contributing more through wider developer contributions for certain types of necessary infrastructure, because such types of infrastructure are no longer on the R123 List. These changes are limited and likely to only result in additional 'in kind' payments (such as provision of land for infrastructure). The vast majority of new developments will see no difference. The Council will also continue to need to comply with regulations and national policy and will need to ensure that, in seeking planning obligations on top of any CIL levy, it does not undermine viability.

5. CONSULTATION

- 5.1 Consultation with Council departments and other infrastructure providers has taken place in order to inform the revision of the R123 List.
- 5.2 Subject to Cabinet approval, it is recommended that all of the appended documents should be consulted upon (targeted consultation with, for example, the developers forum and parish councils) before being taken back to Cabinet in the autumn or winter for adoption. Should the consultation result in any substantive amendments being made to the document it may be brought back to the Committee for further review.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 The amended document will help to ensure that Peterborough City Council maximises contributions towards the infrastructure necessary to support the growth occurring, whilst ensuring that development remains viable. It is anticipated that this Committee will endorse the updated documents as attached.

7. REASON FOR THE RECOMMENDATION

- 7.1 The adoption of these documents are recommended as it will assist Peterborough City Council in delivering the necessary infrastructure to support growth in the city and in the surrounding areas, in accordance with the adopted CIL Charging Schedule.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 1. Do not update the documents - this was rejected as the documents are in need of a refresh and, in particular, the R123 List needs updating for clarity and to ensure the successful securing of necessary infrastructure from new development.

9. IMPLICATIONS

Financial Implications

- 9.1 None directly. However, the adoption of this revised documents may result in some additional funds or land being secured from development, to be spent/utilised for infrastructure, to better support growth.

Legal Implications

- 9.2 Preparation of a CIL charging schedule and associated policy documents is heavily prescribed through legislation, particularly the Community Infrastructure Levy Regulations (2010) (as amended). Officers have adhered to such legislation in updating the documents referred in this item.

Equalities Implications

- 9.3 None

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1
- Community Infrastructure Levy Charging Schedule (April 2015)
 - Community Infrastructure Levy Supporting Policies Document (April 2015)
 - Developer Contributions Supplementary Planning Document (April 2015)
 - Developer Contributions Supplementary Planning Document (approved by Cabinet for consultation on 15 January 2018)

11. APPENDICES

- 11.1
- Community Infrastructure Levy Supporting Policies Document.
 - Regulation 123 List.
 - Community Infrastructure Levy Governance Proposals.

Peterborough City Council

Community Infrastructure Levy Supporting Policies:

- CIL Instalment Policy
- Payment in Kind Policy – Land and Infrastructure
- Exceptional Circumstances Statement

July 2018

1. Introduction

- 1.1. This document provides the Community Infrastructure Levy (CIL) policies relating to the operation of the CIL which have been left to the discretion of the Charging Authority, Peterborough City Council.
- 1.2. Peterborough City Council is the CIL collecting authority in respect of the area in which it grants planning permission.
- 1.3. Detailed queries about the operation of policies contained in this document should be directed to the Council's Planning Obligations Officer – planningobligations@peterborough.gov.uk.

2. Peterborough Community Infrastructure Levy Instalment Policy

- 2.1. Peterborough City Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended).
- 2.2. This Instalment Policy took effect on 24 April 2015 and was reconfirmed in July 2018.
- 2.3. As permitted under Regulation 9(4) of the Community Infrastructure Levy Regulations 2010 (as amended), where outline permission has been granted which permits development to be implemented in phases, the Instalment Policy will apply to each separate phase of development and the associated separate chargeable amount.

Chargeable amount	Number of Instalments	Amount or proportion of CIL payable in any instalment/time at which payments are due
£75,000 or less	1	Total amount payable within 180 days of commencement of development
£75,001 - £500,000	3	Instalment 1: 25% of full payment within 60 days of commencement date Instalment 2: 50% of full payment within 360 days of commencement date Instalment 3: 25% of full payment within 540 days of commencement date
£500,001 or more	4	Instalment 1: 25% of full payment within 60 days of commencement Instalment 2: 25% of full payment within 360 days of commencement Instalment 3: 25% of full payment within 540 days of commencement Instalment 4: 25% of full payment within 720 days of commencement

CIL Instalment Policy Advice

- 2.4. The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy
- 2.5. This Instalment Policy only applies where:
- The Council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70(1)(a)); and,
 - The Council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1)(b)) and the Council does not challenge the date of commencement specified.
- 2.6. If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

- 2.7. Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).
- 2.8. To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all the payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.

3. Peterborough Community Infrastructure Levy Payment in Kind Policy – Land and Infrastructure

- 3.1. In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, will allow the payment of CIL by land payments or infrastructure payments.
- 3.2. This policy is effective from the day the Peterborough CIL Charging Schedule came into effect, 24 April 2015 (and reconfirmed in July 2018).

Paying CIL in the form of land

- 3.3. In certain circumstances it will be possible to pay some or the entire CIL amount in the form of land. This will be dependent on certain conditions:
 1. The Council agree to the transfer of land as part or whole payment of the CIL.
 2. The land can be used to provide infrastructure to support the development of the area.
 3. The applicant must have assumed liability to pay CIL.
 4. The value of the land to be transferred must have been determined by a suitably qualified independent person agreed by the Council. The valuation must represent a fair market value for the land on the day it was valued.
 5. Where the payment of CIL by land provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. The Council must be satisfied that the criteria in Regulation 73 have been met.
 6. The agreement cannot form part of a planning obligation within a S106 Agreement.

Paying CIL in the form of infrastructure

- 3.4. In certain circumstances it will be possible to pay some or the entire CIL amount in the form of infrastructure. This will be dependent on certain conditions:
 1. The infrastructure to be provided must be related to the provision of those projects listed in the Council's Regulation 123 list.
 2. The applicant must have assumed liability to pay CIL.
 3. The value of the infrastructure to be transferred must have been determined by a suitably qualified independent person agreed by the Council who will ascertain the cost to the provider including any design related costs. The valuation must represent a fair market value for the infrastructure on the day it was valued.
 4. Where the payment of CIL by infrastructure provision is considered acceptable the Council will enter into an agreement with the liable party(ies) prior to the development commencing. This agreement must include the information specified in Regulation 73A.
 5. The agreement cannot form part of a planning obligation within a S106 Agreement.
- 3.5. The Council is not obliged to accept any offer of payment in kind by land or infrastructure.
- 3.6. Whilst not ruled out, the 'entire amount' is unlikely to be accepted by the Council, due to the implications as summarised in paragraph 3.9 below.
- 3.7. Please see the Community Infrastructure Levy Regulations 2010 (as amended), for the full details relating to payment in kind.
- 3.8. Before submission of an application, liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if the principle of 'payment in kind' is suitable – planningobligations@peterborough.gov.uk.

- 3.9. Where the Council accepts land and/or infrastructure as 'payment in kind' the equivalent Neighbourhood Fund (25% where there is a Neighbourhood Plan in place or where permission was granted through a Neighbourhood Development Order; or 15% where there is no Neighbourhood Plan, capped at a maximum of £100 per council tax dwelling) must still be paid to the local community as a financial payment.

4. Peterborough City Council Community Infrastructure Levy Exceptional Circumstances Relief Statement

- 4.1. In accordance with Regulation 55 of the Community Infrastructure Levy Regulations 2010 (as amended), Peterborough City Council, as the charging authority for the area, gives notice that exceptional circumstances relief is available in the Council's administrative area.
- 4.2. This is effective from the day the Peterborough CIL Charging Schedule came into effect on 24 April 2015 (and reconfirmed in July 2018).
- 4.3. Anyone wishing to claim relief for exceptional circumstances must follow the procedures set down in Regulations 55 – 58 of the Community Infrastructure Levy Regulations 2010 (as amended), and any relief given must be in accordance with the procedures in the Regulations and must not constitute state aid.
- 4.4. Relief claims must take place after planning permission is granted but before development has commenced. Any claim will include funding the appointment of an independent person with appropriate qualifications and experience to undertake a viability study who, before appointment, must be agreed as an appropriate person by the Council.
- 4.5. In summary, in order to qualify for exceptional circumstances relief, the Regulations require:
 - that a planning obligation has been entered into in respect of the planning permission which permits the chargeable development;
 - the claim to be submitted in writing on the appropriate form, this must also be sent to any other owners or holders of a material interest in the land;
 - an assessment to be carried out by an independent person of the economic viability of the chargeable development. An independent person is one who has appropriate qualifications and experience and who is appointed by the claimant with the agreement of the Council;
 - an explanation of why, in the opinion of the claimant, payment of the chargeable amount would have an unacceptable impact on the economic viability of that development;
 - proof that the relief would not constitute state aid; and,
 - other required information about apportionment assessment if appropriate and declarations as required by the regulations.
- 4.6. Please note that this note is not intended to be a definitive interpretation of the legislation or CIL Regulations and applicants are advised to seek professional advice where appropriate.
- 4.7. This is a discretionary policy and will be considered by the Council on a case by case basis. Before applying for exceptional circumstances relief liable parties are encouraged to discuss proposals with the Council's S106 Officer to establish if this is a possibility - planningobligations@peterborough.gov.uk.

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Peterborough City Council

Community Infrastructure Levy – Regulation 123 List

July 2018

This statement forms Peterborough City Council’s CIL Regulation 123 list.

It specifies projects or types of infrastructure which the City Council intends will be, or may be, funded fully or partly by CIL contributions. The exclusions (third column) denote infrastructure which does not form part of the Regulation 123 list, and for which S.106 contributions may be sought.

In accordance with CIL Regulation 122, developments will be expected to provide for, or make contributions towards, infrastructure not listed in the Regulation 123 List, to make the development acceptable in planning terms. This provision will be in addition to CIL. Further information on planning obligations that might be sought to make a development acceptable in planning terms can be found in other policy documents of the Council.

Peterborough City Council retains the right to determine where CIL contributions are spent and are not restricted by this list, providing the requirements of the CIL Regulations are met.

The R123 List is made up of two tables. The first table relates to sites comprising development of 500 or more dwellings. The second table applies to all other forms of development.

Table 1: Sites comprising development of 500 dwellings or more		
Theme	The Reg 123 List	Excluded from the Reg 123 List
Transport	<ul style="list-style-type: none"> Strategic / city wide impact transport projects 	<ul style="list-style-type: none"> Specific improvements necessary to make a development acceptable in planning terms
Education		<ul style="list-style-type: none"> Education facilities, defined as: <ul style="list-style-type: none"> Nursery or pre-school Primary education Secondary education Further and higher education Special education needs The provision of land for education
Health		<ul style="list-style-type: none"> Health facilities The provision of land for health facilities
Emergency services		<ul style="list-style-type: none"> Emergency services
Community and Leisure		<ul style="list-style-type: none"> Indoor sports and recreation facilities Library, museum and lifelong learning facilities
Waste management	<ul style="list-style-type: none"> Anaerobic digestion plant Householder recycling centre 	<ul style="list-style-type: none"> Bring sites Specific facilities or improvements necessary to make a development acceptable in planning terms
Green infrastructure	<ul style="list-style-type: none"> Strategic green infrastructure, defined as wider strategic level projects which establish or enhance habitat connectivity at a larger than local or at a city-wide scale 	<ul style="list-style-type: none"> Strategic open space, defined as: <ul style="list-style-type: none"> Country parks Synthetic turf pitches Children’s play areas (including LAP, LEAP, NEAP) Neighbourhood Parks Allotments Natural greenspace Playing pitches or other areas for outside sports
Crematorium and burial grounds	<ul style="list-style-type: none"> Crematorium or burial grounds 	

Table 2: All other development sites

Theme	The Reg 123 List	Excluded from the Reg 123 List
Transport	<ul style="list-style-type: none"> • Strategic / city wide impact transport projects 	<ul style="list-style-type: none"> • Specific improvements necessary to make a development acceptable in planning terms
Education	<ul style="list-style-type: none"> • Education facilities, defined as: <ul style="list-style-type: none"> ○ Nursery or pre-school ○ Primary education ○ Secondary education ○ Further and higher education ○ Special educations needs 	<ul style="list-style-type: none"> • The provision of land for education
Health	<ul style="list-style-type: none"> • Health facilities 	<ul style="list-style-type: none"> • The provision of land for health facilities
Emergency services	<ul style="list-style-type: none"> • Emergency services 	
Community and Leisure	<ul style="list-style-type: none"> • Indoor sports and recreation facilities • Library, museum and lifelong learning facilities 	
Waste management	<ul style="list-style-type: none"> • Anaerobic digestion plant • Householder recycling centre • Bring sites 	<ul style="list-style-type: none"> • Specific facilities or improvements necessary to make a development acceptable in planning terms
Green infrastructure	<ul style="list-style-type: none"> • Strategic open space, defined as: <ul style="list-style-type: none"> ○ Country parks ○ Synthetic turf pitches • Strategic green infrastructure, defined as wider strategic level projects which establish or enhance habitat connectivity at a larger than local or at a city-wide scale 	<ul style="list-style-type: none"> • Children's play areas (including LAP, LEAP, NEAP) • Neighbourhood Parks • Allotments • Natural greenspace • Playing pitches or other areas for outside sports
Crematorium and burial grounds	<ul style="list-style-type: none"> • Crematorium or burial grounds 	

Peterborough City Council

Community Infrastructure Levy
Governance Arrangements

Updated - July 2018

1. Introduction

- 1.1. This report presents the approach to governing Community Infrastructure Levy (CIL) funds that will be received from development. It is an update from the version approved in 2016. It explains how the spending of CIL funds will be administered and reported (Section 2). This report also proposes a split for funding from the strategic portion (Section 3).
- 1.2. The report seeks to identify the roles, responsibilities and processes relating to the different strands of CIL funding in accordance with the CIL regulations and the Peterborough City Council Constitution. There are three strands of CIL funding, which can be summarised as follows:
- **Administration Portion (5%)** – The regulations allow up to 5% of funds collected to be allocated to pay for the administration (revenue costs) aspect of CIL. Full Council has already agreed to utilise this ‘top slice’ option, and it will continue to do so. The remaining 95% are capital funds.
 - **Strategic Portion (up to 80% of all funds)** – The Council is responsible for managing and spending this, but external providers can bid for funds. CIL receipts must be spent on infrastructure needed to support the development of the area and should be based on the infrastructure priorities set out on the R123 List and Infrastructure Delivery Schedule (IDS).
 - **Neighbourhood Portion (15% or 25% of all funds) -**
 - **Parished areas** – at least 15% of CIL receipts received from development in the parish (up to £100 per existing council tax dwelling per financial year) are transferred to the parish council to spend on local infrastructure priorities. This proportion of CIL receipts rises to 25% where there is a ‘made’ Neighbourhood Plan. The parish council must report its spending on an annual basis. Parishes can contribute toward strategic projects but are ultimately autonomous in taking spending decisions.
 - **Non-parished areas** – at least 15% of CIL receipts (up to £100 per existing council tax dwelling per financial year) to be spent on local community infrastructure. The money is managed by Peterborough City Council, who must engage with communities where development has taken place and agree with them how best to spend the neighbourhood funding. Where there is a ‘made’ Neighbourhood Plan, this proportion of CIL receipts rises from 15% to 25%. The Council must report this spending annually.

2. How CIL funds will be managed

Administration and cost implications

- 2.1. The Compliance and Section 106 team will continue to maintain responsibility for the day-to-day administration of CIL funds, alongside other planning obligations. The team will administer the transfer of the Neighbourhood Portion, and also fulfil the Council's reporting requirements in accordance with the CIL regulations. This includes the preparation of an annual report.
- 2.2. The 5% of CIL receipts will be retained to cover these administration costs each year.

Spending process

- 2.3. The Strategic Portion of CIL receipts will be spent by the Council in order to provide the strategic infrastructure required to deliver Peterborough's growth. These spending decisions will be informed by the Council's Regulation 123 list (a list of spending priorities which the Council is legally required to publish) and the Infrastructure Delivery Schedule (IDS). The IDS will be updated regularly by the Strategic Planning Team with Council departments nominating infrastructure schemes to be placed on the IDS.
- 2.4. The strategic portion from CIL contributions will continue to be managed through a percentage split approach (see Section 3).
- 2.5. Once received, CIL funds will be held by the Compliance and Section 106 Team as CIL administrator. The Compliance and Section 106 Team will fulfil requests to release CIL funds where the proposed infrastructure item is:
 - a) identified in the IDS and/or R123 list; and
 - b) there is funding available in the relevant strategic pool.
- 2.6. Spending decisions over £500,000 and those that affect more than one ward will continue to require specific approval by Cabinet.

Neighbourhood Portion (parished areas)

- 2.7. The neighbourhood portion of any funds collected from CIL receipts will be transferred to the appropriate parish council by the Compliance and Section 106 Team in its role as the CIL administrator twice a year. This transfer will be made by the end of April and by the end of October, unless there is a specific agreement in place for alternative arrangements.
- 2.8. Each parish council that receives funds must report on how the funds have been spent.
- 2.9. The Compliance and Section 106 Team will, in discussion with the Strategic Planning Team, maintain a list of parishes with adopted neighbourhood plans to identify the locations where a higher proportion of CIL funds will be retained in the neighbourhood portion and to ensure the correct funds are provided.

Neighbourhood Portion (non-parished areas)

- 2.10. In areas without a parish council, the neighbourhood portion will be retained by Peterborough City Council. Responsibility for managing spending of this fund will lie with the Community Capacity Manager. The neighbourhood portion of any funds collected from CIL receipts will be transferred by the Compliance and Section 106 Team to the Community Capacity Manager twice a year at the end of April and the end of October.

2.11. Responsibilities for the Community Capacity Manager in relation to the neighbourhood portion of CIL include:

- Consulting as appropriate with the community on spending priorities for the neighbourhood portion;
- Consider requests for funding from other council departments and external bodies;
- Distribute funds to bodies and departments as appropriate (limited to £50,000 or 20% of the total neighbourhood portion fund) where their proposals are in accordance with the IDS and/or are in accordance with recognised community priorities;
- Bring any requests for funding that are either not in accordance with the IDS and/or are over the specified threshold to the Corporate Director for Growth and Regeneration; and
- Submit a report on spending to the Compliance and Section 106 Team annually to go into the annual report on spending to cabinet and to be placed on the PCC website.

2.12. The Compliance and Section 106 Team will, in discussion with the Strategic Planning Team, maintain a list of non-parished areas with adopted neighbourhood plans to identify the locations where a higher proportion of CIL funds will be retained in the neighbourhood portion and to ensure the correct funds are provided.

3. The Split of CIL Strategic Portion

- 3.1. The Strategic Portion of CIL is the remaining CIL 'pot' - after the Neighbourhood Portion and Administration Portion have been removed. The Strategic Portion will be used by the Council to deliver strategic infrastructure.
- 3.2. The Strategic Portion is split into strategic funding pools. These 'strategic pools' will reflect the infrastructure types set out in the R123 list. This approach is in line with past council policy, including before CIL was in existence (i.e. under the 'POIS' system of developer contributions).
- 3.3. The percentage split of the Strategic Portion will be set by Cabinet and will continue until such time as it is proposed to be reviewed.

Regulation 123 List Infrastructure Types

- 3.4. The R123 list (as revised in July 2018) details the infrastructure for which CIL funds may be pooled and spent, and these are grouped into a number of themes, namely:
 - Transport
 - Education
 - Health
 - Emergency services
 - Community and leisure
 - Waste management
 - Green infrastructure; and
 - Crematorium and burial grounds

It is important to note that not all of these themes contain items on the R123 List for sites of over 500 dwellings. Furthermore, a number of specific types of infrastructure under these themes are confirmed as not being included on the R123 List.

- 3.5. The distribution of the strategic portion of CIL funds is set out in Table 3 (and is unaltered from the 2016 version of the governance arrangements and closely follows the split previously used under the earlier POIS system):

Table 1: Split of CIL Strategic Portion

Infrastructure Type	Percentage of Strategic Portion
Transport & Communications	30%
Community & Leisure	10%
Education & Learning	40%
Environment	10%
Health & Adult Social Care and Emergency Services	10%
Total	100%

4. Worked Examples

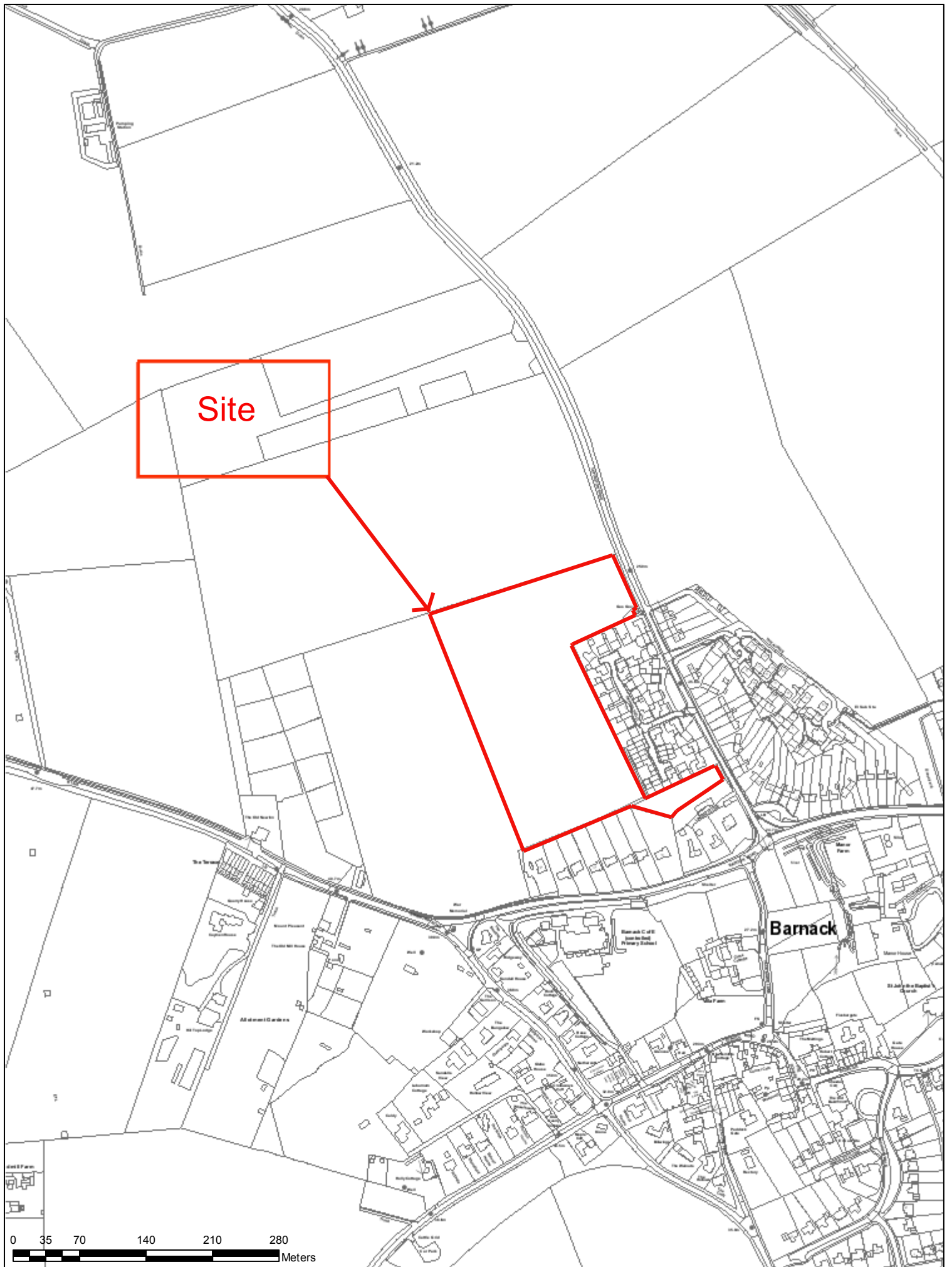
- 4.1. Worked examples are provided in Tables 4 and 5 for illustrative purposes. For every £1m CIL collected, the subsequent sums become available. The example in Table 4 is for an area in which no neighbourhood plan has been adopted. The example in Table 5 is for an area where a neighbourhood plan has been adopted.

Table 4: Worked example based on **£1m** CIL collected in an area without a neighbourhood plan in place (and assumes the £100 per existing council tax dwelling per financial year cap is not reached)

Administration (5%)	£50,000 (revenue)	Retained by PCC for admin (revenue costs)
Strategic Funds (80%)	£800,000 (capital)	Transport & Communications - £240,000 Community & Leisure - £80,000 Education & Learning - £320,000 Environment - £80,000 Health & Adult Social Care and Emergency Services - £80,000
Neighbourhood Funds (15%)	£150,000 (capital)	Distributed to the parish council (or to the Community Capacity Manager in non-parished areas) where the development took place.
Total	£1,000,000	

Table 5: Worked example based on **£1m** CIL collected in an area with a 'made' neighbourhood plan

Administration (5%)	£50,000 (revenue)	Retained by PCC for admin (revenue costs)
Strategic Funds (70%)	£700,000 (capital)	Transport & Communications - £210,000 Community & Leisure - £70,000 Education & Learning - £280,000 Environment - £70,000 Health & Adult Social Care and Emergency Services - £70,000
Neighbourhood Funds (25%)	£250,000 (capital)	Distributed to the parish council (or to the Community Capacity Manager in non-parished areas) where the development took place.
Total	£1,000,000	



18/00377/REM Location Plan Land To The West Of Uffington Road Barnack Stamford

Scale 1:5,000
Print Date: 13/06/2018

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Application Ref: 18/00377/REM

Proposal: Reserved matters approval relating to appearance, landscaping, layout and scale for 80 dwellings with associated landscaping, public open space, surface water drainage and access pursuant to outline planning permission reference APP/J0540/W/16/3153303

Site: Land To The West Of, Uffington Road, Barnack, Stamford
Applicant: Miss Georgina McCrae
 Linden Homes

Referred by: Head of Planning – Peterborough and Fenland
Reason: Significant level of public interest

Site visit: 21.03.18

Case officer: Mrs Louise Simmonds
Telephone No. 01733 45(01733) 454439
E-Mail: louise.simmonds@peterborough.gov.uk

Recommendation: **GRANT** Reserved Matters Consent subject to conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site extends to an area of approximately 4.28 hectares and is located outside the identified settlement boundary of Barnack – a Limited Growth Village. Accordingly, the site is located within the open countryside.

At present, the site is set over as arable agricultural land. The site is bound to the east by a 41-dwelling residential development of Paynes Field (a former allocated housing site) and to the south by older residential dwellings along Bainton Road. To the north and west the site is bound by further agricultural land, with the open countryside extending beyond.

Proposal

The application seeks reserved matters consent relating to appearance, access, landscaping, layout and scale for 80 dwellings and associated parking, internal access roads and public open space pursuant to outline planning permission 15/01840/OUT which was allowed on appeal.

The application has been subject to a number of minor amendments at the request of Officers and the Local Highway Authority, taking into account the comments of other professional/technical consultees and the objections received from members of the public.

In addition to the above, the application is seeking to discharge a number of conditions imposed on the parent, outline permission which required submission alongside the reserved matters application. These conditions are as follows:

- C14 Ecological Management Plan (or similar) for the approved Wildlife Area and associated green spaces
- C15 Arboricultural Method Statement and Tree Protection Plan
- C16 Landscape management plan (or similar)
- C17 Details of 1.7 hectares of green infrastructure, public open space, play and ecological buffer/wildlife areas
- C18 Lifetime and wheelchair homes

2 Planning History

Reference	Proposal	Decision	Date
15/01840/OUT	Outline planning permission for up to 80 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Uffington Road and associated ancillary works. All matters to be reserved with the exception of the main site access	Allowed at Appeal	27/03/2017

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2012)

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Section 8 - Safe and Accessible Environments

Development should aim to promote mixed use developments, the creation of strong neighbouring centres and active frontages; provide safe and accessible environments with clear and legible pedestrian routes and high quality public space.

Section 11 - Biodiversity

Development resulting in significant harm to biodiversity or in the loss of/deterioration of irreplaceable habitats should be refused if the impact cannot be adequately mitigated, or compensated. Proposals to conserve or enhance biodiversity should be permitted and opportunities to incorporate biodiversity into new development encouraged.

Development within or outside a Site of Special Scientific Interest or other specified sites should not normally be permitted where an adverse effect on the site's notified special interest features is likely. An exception should only be made where the benefits clearly outweigh the impacts.

The presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered or determined.

Section 12 - Conservation of Heritage Assets

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

Peterborough Core Strategy DPD (2011)

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

CS21 - Biodiversity and Geological Conservation

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

PP19 - Habitats and Species of Principal Importance

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

Peterborough Design and Development in Selected Villages SPD (2011)

Chapter 6 - Barnack and Pilsgate

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018 who will appoint a Planning Inspector to examine the Local Plan to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:

- the stage of the Plan (the more advanced the plan, the more weight which can be given);
- the extent to which there are unresolved objections to the policies; and
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP13 - Transport

a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

b) The Transport Implications of Development - Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

c) Parking Standards - Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

a) Amenity of Existing Occupiers - Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

b) Amenity of Future Occupiers - Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites - The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Habitats and Species of Principal Importance - Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

4 Consultations/Representations

PCC Peterborough Highways Services (12.06.18)

No objections – The revised scheme has addressed all previous comments made. The LHA is disappointed that the submitted drawings do not show the footpath link from the development to Bainton Road which is considered essential to the effective connectivity of the development. The LHA would strongly resist the removal of this link.

PCC Conservation Officer (01.06.18)

Objection – Although the design and materials of the proposal are considered to be sympathetic to

the Barnack Conservation Area, the lack of an appropriate buffer to the western edge of development is concerning. This should incorporate greater screening, preferably in the form of trees, to reduce the visibility of the development and ensure that rural views are maintained to the greatest extent possible.

PCC Wildlife Officer (30.05.18)

No objections – Pleased to note that an updated Ecological Impact Assessment Report and associated Management Plan have been submitted and the mitigation measures contained therein (in relation to nesting birds, bats, reptiles and badgers) appear acceptable. This includes minimising light levels however no lighting scheme appears to have been submitted. Request that full lighting details are submitted for approval.

Satisfied that the Site layout Drawing and associated Open Space Plan and Detailed Planting Plans indicate a satisfactory level of open space and ecological buffer habitat areas, along with ‘mock-limestone’ features as required by the appeal decision. Species selections also appear acceptable.

Details set out in the Landscape Management Plan including the establishment (using either green hay or an approved native wild-flower seed mix) and subsequent management of the calcareous grass meadows and “hills and holes” area appear acceptable.

Recommend that an ecological landscape management group or similar is established to regularly review progress on site etc. to ensure that the habitats are establishing adequately and address any issues that may arise.

Note that Natural England’s comments regarding removal of Beech and Whitebeam from the planting plan, along with a reduction in the area of scrub/ substitution with additional “hills and holes” habitats do not appear to have been taken account of in the revised plans. This should be revised if possible by the applicant.

In addition, no details regarding bat roosting/bird nesting features have yet been provided. This detail should be submitted for approval at this stage.

PCC Tree Officer (15.06.18)

Objection – The application is supported by an Arboricultural Method Statement and the comments/recommendations contained therein are accepted except for the footpath link to the south-eastern corner of the site (to Uffington Road). The proposed line of this footpath would require the removal of multiple young trees however an alternative route, further to the south, would require the removal of less. Whilst this would be within the root protection area of a group of protected trees, a no dig construction could be utilised. Subject to relocation of this footpath, there would be no arboricultural objections.

Lead Local Drainage Authority (30.05.18 and 4.04.18)

Objection – As SuDS (sustainable drainage systems) were put forward as part of the outline application, would expect to see the above ground infrastructure shown on the submitted drawings. The open space plan only appears to show the proposed detention basin which should in fact be an infiltration basin (not permanently wet). We would expect to see the proposed swales shown on the drawings currently submitted, along with any other drainage infrastructure to demonstrate that SuDS has been given consideration as part of the overall site design.

PCC Landscape Technician (30.05.18)

Objection – Whilst it is understood that much of the application has already been determined at the outline/appeal stage, revisions are requested to the submitted landscape/public open space layout.

PCC S106 Planning Obligations Officer (15.05.18)

The proposed development is CIL liable. A CIL Liability Notice will be issued should consent be granted.

PCC Minerals and Waste Officer (Policy) (31.05.18)

No objections – The Minerals Safeguarding Area issue has been satisfactorily dealt with under the previous outline permission (15/01840/OUT).

Archaeological Officer (21.05.18)

No objections – The archaeology has been dealt with through a programme of investigations which have been reported. The proposal does not appear to have any additional archaeological implications.

Building Control Manager

No comments received.

PCC Pollution Team

No comments received.

PCC Travel Choice (25.05.18)

Objection – No Travel Plan has been submitted with the application.

PCC Strategic Housing (4.04.18)

No objections – We would expect a contribution of 30% on this site of 80 dwellings. The total number of dwellings we require would be 24. The affordable housing mix proposed for the scheme is 2 x 2 bed bungalows, 6 x 1 bed apartments, 9 x 2 bed houses, 6 x 3 bed houses and 1 x 4 bed house which is supported.

The current tenure split we would expect to see is 70% affordable rented tenure and 30% intermediate tenure. This would equate to the delivery of 17 affordable rented homes and 7 intermediate tenure in this instance.

In accordance with the Policy CS8 of the Peterborough Core Strategy, 20% of units should meet Building Regulations Part M (Volume 1), Category 2 (the lifetime homes standard) which equates to 5 dwellings in this instance. Additionally 2% of units on schemes with 50 dwellings and over should meet Building Regulations Part M (Volume 1) with regards to wheelchair housing. This equates to 1 dwelling in this instance.

PCC Waste Officer (14.06.18)

Objection – Although some vehicle tracking has been provided, it has not been done for the whole development. This must be provided to ensure that we can access the site with ease.

Natural England (30.05.18)

No objections – The proposed development will not have significant adverse impacts on Barnack Hills and Holes Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) subject to the following:

- The submitted updated Ecological Impact Assessment should be amended to reflect the financial contribution (already secured by S106 agreement) towards the implementation of management measures at the SAC;
- The submitted Landscape Management Plan should be amended to include a programme to monitor the establishment/management of the calcareous grassland for at least 5 years following creation, and identify the need for further measures/management if needed;
- The submitted Landscape Management Plan includes more scrub planting than discussed at pre-application stage. This will be almost impossible to prevent encroachment onto the chalk grassland and consideration should be given to its replacement with chalk grassland;
- In the event that a suitable donor site for green hay cannot be found and 'Wild Flowers for Chalk and Limestone soils – EM6F by Emorsgate' is used, the Plan should stipulate that only local provenance seeds will be used; and
- Beech and Whitebeam are not native species to the local area and should therefore be replaced on the planting schedule.

Peterborough Cycling Forum (31.05.18 and 3.04.18)

No objections – Request that the condition requiring a footpath link between the development and Bainton is not removed as not only is it convenient, but also essential on grounds of safety. Whilst the Parish Council believes that cycling should be prohibited on the paths to Bainton Road and Uffington Road, the Cycle Forum is firmly of the opinion that they should be designated for shared use by pedestrians and cyclists (with a width of no less than 2 metres) on the basis of safety.

Health and Safety Executive (14.03.18)

No objections – Do not advise against the granting of planning permission in this case.

Historic England (18.05.18)

No comments – Suggest you seek the views of your specialist conservation and archaeological advisors.

Environment Agency (18.05.18 and 28.03.18)

No objections – Request a condition that secures a scheme for the provision of mains foul sewage infrastructure prior to the erection of any building.

Cadent Gas / National Grid (20.03.18 and 3.04.18)

No objections – Request that an informative be placed on the decision to advise the Developer to make contact as soon as possible.

GeoPeterborough (Sites Of Interest)

No comments received.

Police Architectural Liaison Officer (PALO) (18.05.18)

No objections – If built to this revised plan, the development should mitigate against vulnerability to crime and disorder. Please impose a condition regarding external lighting.

Cambridgeshire Fire & Rescue Service

No comments received.

Barnack Parish Council

The Parish Council has submitted 4no. separate letters of representation throughout the period of this application. The most recent, received on 31 May 2018, is set out below:

1. Access footpaths

a) Path to Bainton Road

We gather that the proposed footpath to Bainton Road would be the subject of a separate application, so this path is not marked on the latest plan. Barnack Parish Council wishes to clarify its position: our preference is that plans for any right of way from Bainton Road to the new development are withdrawn. However, if the proposal is not withdrawn and the access path is approved in principle by Peterborough City Council: i) the exit onto Bainton Road should be moved further west, to avoid the neighbour's sewerage system; ii) cycling should be prohibited; iii) a gate or barrier should be installed at the exit; and iv) there should be consultation with the Parish Council over lighting.

b) Path to Uffington Road

Barnack Parish Council's Vice-Chair has visited the site with PCC's Tree Officer. We are happy for the Tree Officer's guidance on necessary felling and possible replanting to be followed. We are opposed to use of this path for cyclists and request that litter bins, dog waste bins and lighting are installed.

2. Screening and privacy

a) Western edge of the development

The Parish Council is pleased to see that in the revised plan, numerous trees have been added along this boundary to screen and soften the edge of the development.

b) Privacy of neighbours in Paynes Field, Bainton Road and Linden Close

Residents of neighbouring properties are distressed at the loss of privacy and views that will result from the new development. The general opinion is in favour of a close-boarded fence on the edge of the new development to allow some measure of privacy, but this structure will be intrusive and will need softening with vegetation.

The Parish Council is disappointed that no attempt has been made by Linden Homes to reduce the height of the new houses overlooking the western and northern sides of Paynes Field. We request that the plans are reviewed again with this in mind.

3. LEAP

We note that the location of the LEAP is unchanged in the new plan. Barnack Parish Council requests discussions with Peterborough City Council and Linden Homes on the layout of the LEAP and the type of equipment to be installed. We note that the plan for landscaping the open green space adjacent to the LEAP has been modified to create a level surface rather than an area of 'mock Hills and Holes'. We have no objection to this as long as the remaining area of 'mock Hills and Holes' on the site amounts to at least 0.41 hectares of ecological wildlife habitat, as laid down in the conditions.

4. Local housing need

Barnack Parish Council is pleased to see that the number of affordable homes in the revised plan remains at 24, as laid down in paragraph 76 of the Appeal Inspector's Report. We note that the location of the six flats has changed, but we have no objections to this.

5. Parking

Although we are told that the allocation of parking spaces is relatively generous, we are still concerned that in a rural situation, with little public transport available, the provision is insufficient. In particular, we note that the number of visitor car parking spaces has been reduced from six to five in the new plan. We urge Peterborough City Council to insist on the provision of many more visitor parking spaces.

6. Roads

a) Uffington Road

Linden Homes intends to carry out an initial condition survey of Uffington Road and make good any damage to the road caused as a direct result of the development. Barnack Parish Council requests that at the conclusion of the development, Linden Homes improves the road surface up to the junction with Bainton Road.

b) Access roads within the development

We are pleased to see that 2m-wide kerbed footpaths have been extended along much of the main north-south road within the development. However, we would like to see this separation of pedestrians and motorised traffic on all internal roads and are disappointed that the access road in the south of the development has been narrowed.

7. Roofing materials

We understand that all the new houses are to have 'mock Collyweston slate' roofs and that the garages will have pantile roofs. We seek assurance that the 'mock Collyweston slates' will be a high quality product and will graduate in size from the top to the bottom of the roof, in the traditional manner. Barnack Parish Council requests further details of these materials.

8. Detailed plans not yet available

Barnack Parish Council wishes to see and comment on the following plans, which are not yet available: the Construction Management Plan, the Drainage and Flood Alleviation Plan, the Lighting Plan and the Travel Plan.'

With regards to the other letters received, the following are matters which were raised but not included/amended in the representation above.

- A number of Paynes Field residents will put forward ideas for their boundaries to PCC as a 1.8m close boarded fence is not what any of them want at the end of their garden. Their representative has contacted the Tree Officer for advice on planting and the Parish Council support the idea of planting hedgerows as boundaries.
- A wildlife corridor along the back of the properties on Bainton Road, to the south of the development, should be left – it's an area well-used by wildlife.
- BCP wishes to suggest that, as a goodwill gesture, Linden Homes offers all neighbouring householders in Paynes Field, Bainton Road and Linden Close funds for planting in their gardens with a view to softening the appearance of the board fence on the boundary of the development site.
- BCP would like Linden Homes to put more thought into the design and orientation of the new houses, in order to protect the privacy of neighbouring homes. In particular, there appear to be 5/6 new houses overlooking the garden of No.23 Paynes Field. Could consideration be given to building more single storey houses, angling new houses so that the windows are not opposite those of neighbours, using skylights etc. in order to reduce invasion of privacy?
- The Parish Council is very much against situating the LEAP on the detention basin, as suggested by Michael Britton [PCC Landscape Technician]. The detention basin provides an extensive flat area ideal for older children to use for ball games. This age group would miss out on a leisure facility if the area were to be reserved exclusively for young children.
- BCP is pleased to see a wide variety of home sizes in the plan. However over half of the houses are 4- or 5-bedroomed. We would prefer the ratio of smaller to larger houses be reversed, with over 50% being 1-, 2- or 3-bedroomed.
- BCP has concerns over the management of the 'mock Hills and Holes'. We endorse the Wildlife Officer's proposal for a working group to oversee the ecological and landscape management plans, and request that the Parish Council is represented on this group.
- The development is over-crowded and out of character of a Conservation Village. We suggest, for instance, that including more terraced houses might create space for larger gardens and produce a more spacious feel.
- The Inspector wished to ensure that there is a 'soft edge' to the development but did not state that all the green space had to be contiguous. Can Linden Homes re-design their proposal to distribute some of the open space to the eastern side of the development?
- Please provide details of what options are available for lighting, and what street lighting will be installed within the development.
- Reading through the Community Consultation document put together by Newgate Communications after the Village Exhibition, it appears that not all comments have been included.

Local Residents/Interested Parties

Initial consultations: 104

Total number of responses: 34

Total number of objections: 31

Total number in support: 0

Two rounds of public consultation have taken place during consideration of this application – the first relating to the original submission, and the second following receipt of revised drawings.

First Round

During the first round of public consultation, a total of 26no. objection letters were received (some objectors having submitted multiple letters) raising the following:

Access/highway implications

- There is only one access from Uffington Road, which will be seriously congested particularly in the morning 'rush hour'. There is no road access from the existing houses on the west side of Uffington Road. Instead of being integrated with the rest of the village, the new estate risks being an isolated ghetto.
- The roads within the estate are very narrow and lack footways so will be hazardous for

pedestrians.

- The provision of garages and car parking spaces is inadequate for a rural location where there are no services or facilities. Even owners of the smaller homes will need to have at least 2 cars because the public transport service is limited to one bus an hour.
- How are the elderly, disabled, young families expected to get to the shops?
- Where are delivery vans and visitors expected to park?
- The extra traffic from this development will make it dangerous to cycle or walk in the village.
- The proposed footpath onto Bainton Road, directly connecting the proposed children's play area, has not taken into account the safeguarding of children. Children could wander down this path onto the main road and anybody can access it.
- Do not agree with the proposed main road going through the estate. This should be an access road for new residents only unless the Developers have eyes on the next field for developing.
- Strongly object to the proposed footpath from the development onto the B1443 (Bainton Road). This will be a dangerous access onto a very busy road, where traffic speeds down the hill from Pilsgate into Barnack.
- If the Bainton Road footpath is accepted, it must be fenced on both sides to prevent any users from straying from the path onto the adjoining agricultural field and the small piece of land where the pipe runs from our septic tank to our soakaway (The Lodge). The path must not curve towards the opening onto the B1443, but run in a straight line instead. Although this will result in a new opening within the Conservation wall, this could be replaced by closing up the existing opening. The present plan would run over where our pipe and soakaway area, damaging our sewage system. If this is not taken into account, the Developer must pay the cost for our house to be connected to the mains sewage system.
- Reducing the number of houses permitted in the development will reduce the traffic increase and level of danger. There are other ways to improve speed control, but am worried that the change of council ownership along it might hamper these along the whole road, and reducing the number of houses on the development will help.
- The lack of parking provided will impact on Paynes Field which has an already stretched capacity.
- The widening of Uffington Road must be carried out all the way from the Bainton Road junction to the Uffington Bridge.
- Double yellow lines need to be put in all the way long Uffington Road.
- Extra traffic calming measures are needed throughout the village to help with the safety of residents.
- The highways issues must be sorted out prior to construction work beginning, as large vehicles will cause damage and disruption.
- Wherever the footpaths are, they should not be illuminated after 10pm in order to minimise light pollution, disturbance to nearby properties, to reduce impact on wildlife and reduce energy consumption.
- There are no dedicated footpaths and limited additional parking. This, when combined with the fact that most families have a minimum of 2 cars, poses a danger to residents and especially children.

Layout/design/density/visual amenity

- The land to the north-eastern corner of the site should be used for a leisure facility of some kind. There is no guarantee that the basin will only be flooded once in a hundred years, these probabilities are notoriously unreliable. It could be made into an attractive water feature and nature reserve.
- The housing density may be suitable for an inner city development, but it is inappropriate in an old stone village such as Barnack.
- The soft entrance to the village is disrupted by Plots 33, 32 and 37. The houses need to be rejected or moved down in line with the other plots.
- The garage and gardens in the plan infringe on the nature walkway. This walkway should remain and not be used as garden by the developers.
- There are too many houses for the size of plot. Paynes Field is cramped, but you can see on the plans the proposed houses are greater in number along the same space.
- The appearance of the new houses is very important. We do not want to see an estate 'sticking

out like a sore thumb' as we see at Helpston, that has no bearing on the village. The new houses should be made to blend in with the houses in the village e.g. buff coloured bricks and artificial collyweston slate roofs as with Paynes Field. What would be sad is if, in years to come, people visiting our village and saying "who on earth allowed this blot on the landscape".

- The proposed footpath onto Bainton Road will have impacts on the security of homes in Paynes Field and Bainton Road, giving quick access to the rear of many properties to burglars.
- Whilst the planning argument for the housing has already been lost, I (resident of Paynes Field) wonder if there is any remaining argument to reduce the number of dwellings? Assume that the number results from financial returns of the Developer but a reduction would help a lot of the concerns of local villagers. In addition, the Council already have plans to meet their housing requirements so a reduction would not adversely affect housing supply.
- No mention has been made of the almost universal agreement that the green belt should be behind existing properties, raised at the pre-application event held by the Developer.
- Why can't the houses be built of stone and the cost passed on? It would be more attractive if they looked nicer, would be more in keeping with Barnack and consequently would sell easier.
- The submitted Community Engagement document boasts that villagers were pleased that a buff brick would be used. This is disingenuous. I (resident of Bainton Road) am happier with buff than red, but not happy that brick is to be used at all. Barnack is a stone village and this should be maintained not just at the edge of the development.
- The Developer is building as cheaply as possible, this is a mistake.
- The facing materials towards existing properties should be in keeping with those existing properties, ideally stone.
- Ideally, the more densely populated affordable housing should be located north and west of the development, rather than south and east.
- The opinion of people driving into the village is taking priority over existing residents of Paynes Field and Bainton Road.
- The houses that back onto Paynes Field should be removed altogether.
- The total number of houses needs to be reduced by at least 20%.
- The Developer plans to use utilitarian designs for the houses they will build. They are to be cheaply built and have no architectural merit. The Inspector called the homes on Paynes Field stark and the proposal has not learnt from this.
- The Developer has been lazy and put little thought into the plans. They seem to have copied the majority of the plans they had for their development in Helpston, with a disrespect for our village. A unique village like ours needs a unique development to provide our own identity. It needs to add flavour and value, not turn a beautiful rural village into something more accustomed to Hampton.
- Driving into the development, one of the first things you see is a block of 1-bedroomed apartments straight in front of you. Not really a thing rural villages are designed for.

Amenity

- The existing properties need their privacy respected, a good distance from their boundary and adequate fencing to hide the greenbelt destruction.
- The current proposal seeks to erect a wooden fence at the end of existing/new gardens. This is not 'soft' and is not a pleasant replacement for the existing settlement boundary. A soft option would be the planting of bushes, shrubbery and trees.
- No.23 Paynes Field will have nearly 10% of the new houses bordering their garden and every aspect of the home will be overlooked.
- Why has the Developer planned the houses to be within such close proximity to Paynes Field? The whole area could be pushed back allowing more privacy and retention of some views that occupants have enjoyed since moving in there. If this can't be changed, surely the angle of the houses should be changed to prevent them directly overlooking the existing?
- We (residents of Main Street) hope that the Developer will respect neighbouring residents and not work before 08:30 or after 17:00 hours Monday to Friday with no weekend working.
- Construction working should be kept to a normal working week - 09:00 to 17:00. If there is work that must be carried out outside these hours, then no machinery should be used. At all times, the conduct of workers should be orderly and in consideration of existing residents.
- The buffer to existing residents must be in place during construction to reduce stress, loss of

- privacy and noise/light pollution to residents.
- Concern that heavy groundworks could affect the foundations of existing homes and owners have no recourse to claim compensation from the Developers.
- A blank wall of a double garage will face the end of our garden (No.22 Bainton Road). To retain our privacy, would like to own the land that abuts that garage and for the garage wall to be built of stone to match our own house. If this is not achieved, we would face the additional cost of building a blank wall.
- The proposed houses are building built only the minimum distance from existing properties. The site has to include much open space, why can't some be sued to enable the new dwellings to be further away? The Inspector did not specify how all of the space should be used.
- I (resident of No.22 Bainton Road) do not want to look onto basic quality houses at the immediate end of the garden. They should be made more attractive. The design should be more in keeping with house designs in the centre of the village or recent developments on Kettering Road, Stamford or near the A1.
- The design of Payne's Field was a mistake, and Linden Homes should not be allowed to copy the same mistakes again. The site is too cramped, there is not enough parking, it is inappropriate for a village.
- In the 24 years living here (No.22 Bainton Road), I have never been overlooked. I will now have 2no. 3-bed houses at the end of my garden. A 1.8 metre high fence is inadequate. If the houses were further away, this would provide more acceptable privacy.
- Our property (No.25 Paynes Field) will be considerably impacted by the proposal through loss of view, privacy and light to our garden.
- The City Council should be taking steps to protect Paynes Field residents' views which will be obliterated if the current proposal is accepted. We (residents of Paynes Field) do not feel that the Developer has been sympathetic to our needs and have made no effort to preserve our current views or aesthetics.
- We (residents of No.6 Paynes Field) are particularly concerned about the proposed walkway that will run along the bottom of our garden. Whilst a fence of some description is proposed, we do not feel this is sufficient. Something more robust, such as a brick wall, should be considered.
- Concerned that the green space directly outside No.12 will increase noise and lack of privacy to existing residents.
- Would like to know how the noise and disturbance will be managed from the public open space behind Nos.7-35 Paynes Field when it becomes a hangout venue for teenagers.
- There is no proposal for a substantial fence or trees to the rear of our property (No.18 Bainton Road) which are needed to maintain privacy.
- Windows on the houses that overlook Paynes Field need to be adjusted to keep the privacy of existing residents. As the site is on a slope, the existing residents are extremely exposed. The windows should be obscured or textured glass, and the window size reduced.
- Consideration should be given to sinking the path to Uffington Road to provide further privacy to neighbouring occupants. Any fencing to this path should be gated so that neighbouring residents can maintain the area.
- A minimum specification should be set out for the boundary between Paynes Field and the footpath to Uffington Road. This should cut out noise, provide security and provide privacy for neighbouring occupants. It should be in keeping with the local area and the limestone used throughout Barnack.
- Our property (No.18 Paynes Field) has 1.8 metre high fencing at each side of the rear garden. A further wooden fence at the back would convert it into a 'wooden box'. Whilst considerable landscaping is proposed for the west side of the site, nothing has been proposed for the boundary with Paynes Field.
- The proximity of the proposal to Paynes Field would have an overbearing impact.
- All of the main living areas and bedrooms are at the back of our home (No.23 Paynes Field). All of the houses planned will have a direct view into our living space and main bedrooms. This reduced privacy and renders our home an unacceptable place to live. The proximity will also increase shadowing to our garden, rendering it unusable.

Public Open Space

- The linear layout would favour a small children's playground at one end but would not provide

- enough space for older children to kick a football.
- There needs to be a space for dog walking and the whole strip would have to be managed to create an area of short grass.
- Who will be responsible for the upkeep of the green area? Who will clear the dog mess, bottles, cigarette ends and used condoms (all of which are regularly discarded in the Hills and Holes car park)?
- What are the plans for addressing congregating points for teenagers?
- Dog litter bins are needed.
- The proposed planting of *Cornus sanguinea* is a low level shrub, this should be replaced with a substantial tree. The hatch area noted in the submitted landscape drawing suggests that there is an existing area of trees which is misleading. There are no trees at the west end of this hatched area [within the Uffington Road footpath link area] and the planting of 2no. Substantial trees or more trees of narrower spread is needed.

Ecology

- It is an impossible aspiration to create an area which would take some of the pressure of the Hills and Holes. Apart from the attraction of the unique landscape, the wild flowers will not grow on former farmland – they require shallow infertile soils. Without the flowers there will be no butterflies, bees and other insects.
- There should be increased green space at the top of the plot to ensure an area for social wellbeing and wildlife (a badger set is here).
- The 2 metre wildlife buffer behind Paynes Field should not be disturbed in any way once construction works begin.
- The planting of the wildlife corridor / boundary buffer / green space must have indigenous plants, trees and hedgerows as well as a mixture of mature, semi-mature and saplings.
- Where possible, all existing trees / hedgerows must be left in place.
- The building site office must not be placed near the badger set.
- Provision needs to be made for bat roosts.
- Hedgehog holes and borders of the site to help them need to be provided.
- Keep the existing trees at the location of the footpath linking Uffington Road and create a meandering nature footpath. Bat boxes, bird boxes and wildlife hotels should be added.
- Previous developments have subsumed wildlife areas into domestic gardens and the loss of the wildlife buffer should be guarded against as it significantly degrades the local environment.
- No consideration has been given to the wildlife that exist in the spinney [leading to Uffington Road] including squirrels, deer and hedgehogs. There is no exit route for these animals.

Infrastructure

- The surface water run-off from the site should be piped into the sewage works, which is already overloaded. The Developer should be made to upgrade the sewage works.
- Numbers will increase at the rural village school but there are no plans for extra classrooms or teachers, therefore class numbers will rise.
- At the public meeting, residents were advised that the development would only result in 27 additional children at the school. This seems completely unrealistic.
- A shop should be built either in the development or village itself. There are not enough amenities for the local residents as it is, let alone with adding more homes.

Other matters

- What are the Council going to do to ensure that the developer complies with any plans passed and creates a more intelligent housing development?
- Why has the Developer not built the required number of affordable homes in Helpston? The same will happen here.
- Trees to the rear of my property (No.22 Bainton Road) must be kept to preserve amenity.
- The Developer undertook a Community Engagement exercise but the plans submitted have changed little, if anything, since then. Why carry out a superficial exercise with no intention of putting findings into place?
- The Developer has been contacted but no response received.
- I would like to take the wildlife corridor into my garden (No.22 Bainton Road) just as the

- residents of Paynes Field have. This could then be used to provide screening.
- In the past, the Council's Planning Officers have acted on a 'presumption to build' and have insufficiently taken on the views of neighbouring residents. I (resident of No.22 Bainton Road) have little confidence in the ability of the Case Officer to do so now, given the additional costs of the appeal against the building has already generated for the Council. I seek reassurance.
 - As the Council has been hoodwinked and outmanoeuvred by a better-backed Developer, as the initial rejection on 7 counts was dismissed at appeal, this application is a chance to ensure that the development has the true force of the Council and Barnack people behind it. It should be an opportunity to develop something special for the long-term and benefit the village rather than the Developer.
 - Require assurances that the drainage of the new development will not detrimentally impact the Paynes Field development.
 - The Developer has merely paid lip service to the affordable housing element. By incorporating these properties close to the existing affordable housing on Paynes Field, you are making a statement that is divisive and judgmental. The housing should be integrated into the heart of the proposed new development.
 - An indexed compensation scheme should be made to residents on the border of Paynes Field and Bainton Road, based on the net devaluation of homes. They should be valued prior to construction and again after, with the difference paid to homeowners.
 - We were all very disappointed and upset when the Planning Committee's decision was overturned by the Planning Inspectorate, but have since reluctantly accepted the verdict and were hopeful of trying to embrace the new development as much as we can. However, having seen the submitted proposal, this acceptance has quickly turned to anger, disappointment and complete frustration. The plans are appalling, thoughtless, lazy and completely inappropriate for this beautiful village we live in. As a local community, we needed to have a proper input into the plans and actually be listened to.
 - Concerned at the need to clear a 5 metre strip for the footpath to Uffington Road. Most paths are not 5 metres wide and it is suspected that they will not be as wide as this on the new development.
 - Pleased that consideration has been given to the water drainage challenges that 80 new houses presents. However it is concerning that a 1 in 30 year event has been planned for and assumed that drains will be kept clear of debris. The latter is an ongoing challenge for drainage in the area and deeply concerned that there will be insufficient drainage that could have a significant impact on the Paynes Field estate which is at a lower level.
 - Request (occupant of No.5 Paynes Field) that existing residents are included in membership of the management company so that we can influence and particularly in the activities that take place to keep the area managed and maintained.

1 no. neutral representation (neither objecting or supporting the proposal) was also received raising the following points:

- The open space is welcomed and will protect wildlife in the hedgerows. However, this is a greenfield site and the density and massing of housing is very high for an edge of village location. The village should have lower density housing on the fringe and higher density in the centre.
- Uffington Road is already too narrow for current traffic, particularly if cars are parked on the road. With the increase in traffic, this will be a major issue.
- It is hoped that the City Council will put together a robust housing strategy for future development to stop overdevelopment of the villages as it is only a matter of time until we get another application. If nothing is done, the villages will look like any other housing estate and slowly merge together.
- I (resident of Allerton Close) understand that the previous development on Uffington Road was to provide a play area for children. We are still waiting.

Councillor Over raised the following objection:

'The fence proposed between the new estate and houses in Paynes Field will mean that the 20 gardens will be surrounded by wooden fences. Paynes Field should have a nature strip along the back gardens. PCC did not enforce it and I suggest that this could be addressed at this stage.'

Second Round

Following receipt of revised drawings, a further 9no. letters of objection were received (many from residents who had previously submitted objections). Those objections raised which were not previously made are as follows:

- The revised drawings do not address the proximity of the new houses to No.23 Paynes Field. Moving one house slightly further away is simply insulting. The whole layout needs addressing.
- Screening of the close boarded fence that will run along the houses which back onto Paynes Field has still not been secured.
- Whilst not a formal planning issue, we (resident of No.18 Paynes Field) will be approaching the Developer with a view to them providing planting to reduce the intrusive effect of the wooden fence.
- I (resident of 1 Linden Close) have not managed to uncover any commitment that mitigates the risk to the TPO woodland area during the development process.
- The proposed pathway to Uffington Road runs close to major TPO trees. Can this route have minor adjustments so that the distance from the tree roots and any low canopy is maximised to ensure no accidental damage occurs? This would also mitigate the risk to future residents from the trees when using the pathway.
- That we've been defeated in the outline application being approved, should ensure that this development is monitored carefully in order to fit in with the village and current aesthetics. This does not appear to be the case and PCC do appear to have 'rolled over', thereby allowing the Developer carte blanche.
- The Council's Planning Officers do not appear to be challenging the Developer sufficiently because they appear to be frightened of losing any decisions made at appeal due to being unwisely over-mindful of the costs incurred by the original appeal against Gladman Ltd. Consequently there is little hope of the best possible development being achieved. This is exacerbated by the assignment of a temporary Planning Officer, meaning a consistent approach cannot be taken to such a build.
- PCC Planners seem overwhelmed by the applications they are dealing with across Peterborough and are giving insufficient attention to this application. Consequently the application to build bog-standard housing as cheaply as possible looks likely to success with only the most minor revisions.
- There has been little consultation with current residents - PCC should be fighting our corner.
- Very disappointed at the 'revised plans' submitted. The Developer has still not listened to any of the concerns of local neighbours and community, and is proposing a cheap and lazy development in one of the areas most unique and beautiful villages.
- In a development already lacking parking, it is intended to cut this number down. Pavements will become parking spaces causing hazards for children, prams and the elderly. The whole area will look more like inner city Hampton than a beautiful country village.
- All of the green open space is to be managed by a local committee from the development. Short-term this may work if you get enough volunteers. However mid- to long-term this is just not sustainable and will become a complete mess. This space needs managing by a proper organisation.
- In making the decision, the Council should remember that all parties apart from the landowner and Inspector were wholly against the development. This includes the Council, Barnack Parish Council, the local Councillor, the MP and others. It is incumbent upon PCC and its Planning Department to now ensure the best possible build is secured, and that profit is not the driving motive behind all decisions taken.
- Neither the Developer or Planning Officers are sufficiently or properly engaging with residents. This is totally unacceptable and if the build goes ahead as planned, will remain so and remain the cause of resentment amongst local residents.
- Why are other house designs, such as terraces, not considered to reduce the density?
- It is not clear why anyone will want to buy a re-sale property on the development in future years.
- The revised drawing cannot be understood with regards to the siting of Plot 33. It is unclear as to whether this has been altered position or to ensure that no upstairs windows intrude onto the neighbouring bungalow.
- Local housing needs require 2- and 2-bedroomed properties. 5-bedroomed houses are not

required.

1no. neutral representation was received as follows:

- The open spaces to the boundary should be protected to stop further future development on adjoining land and protect this amenity.
- The open spaces should be gifted to Barnack Parish Council to preserve this amenity.

Councillor Over has also raised the following additional objections:

- Houses are generally large family houses based on no evidence of housing need for the village.
- Affordable housing can mean anything. Houses for rent are needed and smaller housing for downsizing.
- Nothing is planned to improve Broadwheel Road.
- The development is an 'off-the-shelf' suburban development and not related to a village environment in any way.
- No attention has been made to the village environment.
- Who will be responsible for the leisure areas and large drainage area?
- Parking provision is inadequate.

5 Assessment of the planning issues

The main considerations are:

- Compliance with the outline permission
- Density and housing provision
- Layout and design
- Access, parking and highway implications
- Public Open Space and ecology
- Amenity
- Heritage impacts
- Trees

a) Compliance with the outline permission

The outline planning permission (reference 15/01840/OUT) permitted a maximum of 80 residential dwellings across the site (of which 30% must be affordable housing) alongside structural planting and landscaping, informal open space and children's play area, surface water management / attenuation, vehicular access from Uffington Road and associated ancillary works.

The outline permission contains a number of conditions which are required to be complied with. Some conditions relate to matters which must accompany a reserved matters application, and others which require details either prior to commencement of development or prior to first occupation of the dwellings. For clarity, those conditions which require details to be submitted at reserved matters stage are set out in Section 1 above.

Each of these matters will be discussed in the relevant sections below, however it is considered that the current submission accords with the requirements of those conditions and therefore, the current proposal fully complies with the requirements of the parent outline planning permission.

b) Density and housing provision

Density

It is acknowledged that many of the objections received from local residents relate to the density of the proposal and in particular, the consideration that the 80 dwellings proposed represents a far too dense form of development for the edge of a rural village. However, the impact of the number of dwellings proposed, alongside the resultant density on the site, was a matter dealt with by the Inspector in allowing the parent outline planning permission.

The Inspector concluded (paragraph 37 of the appeal decision attached to this report at Appendix 1): *'I accept that the layout is likely to be at a higher density than elsewhere on the periphery of*

Barnack... However, I do not consider it will be particularly uncharacteristic in the immediate context of the Payne's Field development, and the scheme includes considerable elements of landscaping, which can help to assimilate the development and create a better edge to the settlement.'

Taking into account the above, Officers consider that the matter of density for the 80 dwellings proposed is not one which can be reconsidered or used as a reason for which the current application should be resisted.

Housing provision

In terms of housing provision, the outline planning permission and S106 Agreement attached thereto, requires that 30% of all residential dwellings on the site be affordable homes. The proposal seeks to provide a total of 24no. affordable dwellings which fully accords with this requirement. In terms of the dwelling size mix, the proposal seeks to provide the following affordable units: 2 x 2-bed bungalows, 6 x 1-bed apartments, 9 x 2-bed houses, 6 x 3-bed houses and 1 x 4-bed house. The City Council's Strategic Housing Officer has advised that this mix is supported and it is considered that it would meet the housing needs of the village. With regards to tenure mix, this matter is already secured within the signed legal agreement and therefore does not need to be dealt with during this application.

In addition to affordable housing, the outline permission also requires that a certain provision of lifetime and wheelchair homes be provided within the development. Turning first to lifetime homes, 20% of all residential units must be to Building Regulations Part M (Volume 1) Category 2 standard. With regards to wheelchair housing, 2% of all residential units must be to Building Regulations Part M (Volume 1) Category 3 standard. The Applicant has confirmed that this requirement will be met, and all drawings received relating to affordable housing demonstrate compliance with both of the standards with the relevant requirements clearly shown (i.e. wheelchair turning circles and future adaptations for hoists and lifts etc.).

Accordingly, it is considered that the proposal would make adequate provision for a range of housing that would meet the future needs of residents and accords with the requirements of condition C18 of the parent outline planning permission. The proposal is therefore in accordance with Policy CS8 of the Peterborough Core Strategy DPD (2011) and emerging Policy LP08 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded some weight at this time.

c) **Layout and design**

As with density above, it is noted that a large number of the objections received relate to the overall layout of the development proposed. In particular, the Parish Council and objectors consider that the layout does not adequately respond to the constraints of the site in terms of the relationship to existing dwellings and many feel that the proposed Public Open Space (POS) should be split to provide POS to both the outer edge of the development (to the north and west) as well as the southern and eastern edges (which bound Bainton Road and Paynes Field respectively). Whilst these comments are noted, Officers consider that the layout submitted responds appropriately to the site and mitigates, as far as possible, the landscape impacts arising from the development.

The broad layout of the development follows the indicative framework plan submitted with the parent outline planning application. This indicated that the main built form of the development would follow the 'L-shape' of the site, and be sited closest to the eastern and southern boundaries. Beyond this, the POS would be to the northern and western boundaries, forming a significant landscape buffer to the open countryside beyond. Indeed, this POS and landscaping was given significant weight by the Inspector who concluded that the current boundary of the village along Paynes Field was stark and that the development of this site could secure a more successful boundary, particular through the planting of native trees to create a partial screen.

Notwithstanding this, there are certain positions in which some of the POS must be sited – namely the wildlife buffer which must be located to the eastern boundary given existing ecological features that require protection, and the detention basin which can only be located to the north-eastern corner of the site. This therefore leaves only the position of the 1.125 hectares of natural green space and 0.04 hectares of POS for use as a play area. This natural green space must be designed as ‘mock hills and holes’ in order to reduce recreational pressure on the nearby Barnack hills and Holes SAC, SSSI and NNR. It is noted that the position of this within the site was not secured at outline stage however, officers consider that the most appropriate position for this area is adjacent to the eastern/northern boundaries whereby it can not only add to the extent of the buffer to the open countryside, but also be left to ‘breathe’ in terms of establishment without being situated between two hard built forms (the development and Paynes Field). In light of this, Officers consider that the general layout of the development is appropriate and do not believe that an alternative layout could be acceptably achieved.

In terms of the design, it is considered that the elevation treatment of the dwellings/apartments proposed is sympathetic to the setting of Barnack. The proposal seeks to use a mixture of buff brick and stone, with the latter being the treatment to those principal elevations which face outwards from the site (i.e. those which would be visible from the surrounding area) as well as mock Collyweston slates to the main roofs of the dwellings with clay pantiles to the secondary garage roofs. These materials are considered wholly appropriate and will ensure that the development does not appear unduly alien or incongruous in its setting. It is noted that the Parish Council wishes to see the highest quality of materials used, and Officers agree on this point, however at this time to be prescriptive in the material make would not be reasonable. As such, a condition requiring samples of the materials to be submitted is considered more appropriate.

With regards to the dwelling form/design, it is considered that the proposal is sufficiently sympathetic to the setting of the site and the context within which it is sited. Whilst the dwellings will undoubtedly appear modern, the proposal has sought to introduce architectural features which are appropriate to a village setting and therefore reduce, as far as is possible, a suburban feel.

On this basis, it is considered that the layout and design of the development would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP16 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time.

d) Access, parking and highway implications

The position of the vehicular access into the site was secured at outline stage and will be taken from the north-eastern corner of the site from Uffington Road. The exact design details of this access are secured by virtue of condition C5 of the outline parent permission and are not required at reserved matters stage (they are pre-commencement details however). Notwithstanding this, the width of the carriageway and footway into and within the site are matters for consideration at this stage.

The proposal seeks to provide a carriageway of between 5 and 5.5 metres in width, with a dedicated footway to the southern side only initially to reflect that the development is at the edge of the settlement with no existing footpath along Uffington Road to the north. Within the site, this footway will then extend to both sides of the road. For certain spurs off the main road, and to the southern-most section of the development, the road design will alter to become a shared surface of no less than 5.5 metres in width (a surface whereby vehicles and pedestrians share the space with no dedicated footways). Such an approach to road design is not uncommon and the Local Highway Authority (LHA) has raised no objections to this overall design. Whilst it is noted that the Parish Council would like to see dedicated footways throughout the entire development, this is not considered necessary in safety terms and would detract from the overall design of the development through the introduction of a wholly suburban street form.

It is noted that the Council's Waste Officer has requested that tracking be provided throughout the development. However, the LHA has raised no objections to the proposal and sought to ensure that, whilst it is proposed for all of the roads within the development to be un-adopted, they are to an adoptable specification (in the event that in the future adoption is pursued). In seeking this, the roads are designed to accommodate standard refuse vehicles and accordingly, further tracking is not considered necessary.

With regards to parking provision, it is noted that many objectors have raised concern that the proposal would provide insufficient parking. However, each dwelling proposed would provide the correct level of parking to accord with the Council's minimum adopted parking standards. The proposed 1-bed apartments would have 1no. parking space each and any dwellings with more bedrooms would have a minimum of 2no. parking spaces. Indeed, the larger dwellings would be provided with between 3 and 4no. parking spaces. Officers and the LHA consider that where dwellings over-provide from the minimum standards, visitor parking is accommodated as visitors can park on the driveways. Therefore, dedicated visitor spaces are only required for those dwellings whereby the minimum is just met. The proposed visitor parking would meet with the minimum standards the Council has adopted, and are located within areas where they are needed. Accordingly, sufficient resident and visitor parking is provided by the proposal.

It is noted that some objections have raised concerns with regards to the impact of the proposal upon the surrounding public highway network, and the Parish Council has requested that Uffington Road be resurfaced by the Developer. The matter of wider highway implications has already been considered and accepted at the outline application stage and therefore cannot be revisited through the current reserved matters application. Off-site highway works in the form of widening of the carriageway to Uffington Road and provision of a footway have already been found sufficient mitigation to accommodate the development and secured by virtue of condition C5 of the parent outline permission. With regards to surfacing, this cannot be secured through the current application however the LHA, through the Highways Act, will secure whatever resurfacing is considered needed alongside the off-site highway works (albeit this is unlikely to extend to the crossroads as requested).

With regards to the pedestrian connections of the development, considerable comments have been received in respect of both footpaths secured on the outline development – to Bainton Road and Uffington Road. Turning first to Bainton Road, this footpath link passes to the west of No.25 Bainton Road through land which is presently open field. The exact route of this link, along with its width and design is secured by virtue of condition C21 of the parent outline permission. The details are not required at reserved matters stage and therefore have not been provided with the current application. It is noted that the LHA has raised concerns with this, and set out the need for such a footpath to improve connectivity to the village. However the current proposal does not need to show this link, only that the layout proposed could accommodate it. It is considered that this is achieved through the layout proposed. However, there have been numerous requests for the removal of this footpath, both from the Parish Council and local residents. Whilst Officers consider that this link is required to improve connectivity to the village (a view shared with the LHA), it is acknowledged that it poses some harm through crime/anti-social behaviour risk owing to lack of natural surveillance. Given that the feeling of local residents/the Parish Council is very mixed on this matter, Officers are requesting that Members determine whether or not this link is retained.

Notwithstanding the above, there is also debate as to whether both links are for use by solely pedestrians, or shared with cyclists also. As the links are proposed to remain private, neither the Local Planning Authority nor LHA can restrict the use to pedestrians only. There are no mechanisms through either the Highway Act or planning conditions that could explicitly preclude or include cyclists from using these links. Therefore, Officers have sought to ensure that the link to Uffington Road (which is to be designed at this time) has a width sufficient to accommodate wheelchair users and pushchairs, whilst allowing someone else to pass at the same time. It is not considered use by cyclists would pose an unacceptable danger, and the detail of the link with the existing adopted highway would be fully considered by the LHA through the separate license application under the Highways Act (this would also be true of the link to Bainton Road if/when it

comes forward). Furthermore, it is proposed for this link to be lit (the details of which are to be secured by condition) to ensure usability and safety.

On the basis of the above, it is considered that the proposal would provide adequate parking to meet the needs of the development, and would ensure safe access for all users. The proposal is therefore in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded some weight at this time.

e) **Public Open Space and ecology**

Public Open Space

Turning first to the public open space provision, the amount proposed fully accords with the requirements set out in the parent outline planning permission. The proposal seeks to provide 1.24 hectares of natural green space (of which 0.9744 hectares is to be 'mock hills and holes' landscaping), 0.41 hectares of wildlife habitat/buffer, 0.125 hectares of drainage detention basin and a 0.04 hectare LEAP (play area).

The layout of this public open space (POS) in terms of its siting within the development is already discussed above. In terms of the design of this POS, the clear intention set for these areas by the Inspector at appeal, related to: i) providing a sufficient buffer to the open countryside beyond the site (to the north and west); and ii) securing adequate ecological mitigation for the impacts arising from the development. However any POS provided within a development must also function to meet the needs of the population of the development in terms of providing suitable amenity.

In terms of the function as a landscape buffer, it is considered that the proposed POS would provide a suitable soft transition from the hard built form of the development to the open countryside beyond. The proposal would be suitably landscaped and would provide a less harsh appearance than the current boundary to Paynes Field.

Turning to the ecological mitigation, neither the City Council's Wildlife Officer nor Natural England (who were the statutory consultee in respect of the parent outline permission) have raised any objections to the proposed POS design/landscaping. The proposed wildlife buffer would achieve adequate protection/enhancement of the ecological habitat features already present within the site. Similarly, the proposed 'mock hills and holes' is considered to be suitably designed with acceptable species to ensure that it would sufficient act as an alternative to the nearby Barnack hills and Holes (as was required by the parent outline planning permission). It is noted that Natural England has requested that consideration be given to changing the 'scrub' land (wildlife buffer) to a calcareous grassland as encroachment and maintenance may be an issue in the future. This request is noted however to alter the appearance/planting of this area would remove the treed buffer to the western boundary of the site which the Inspector considered was essential to mitigating the wider landscaping impacts. Given that the comments made by Natural England only request that consideration be given to this, it is not considered to be essential to the effective operation of the POS for ecology purposes and any limited potential harm through landscape management is outweighed by the benefits of improved protection of long-term landscape views.

With regards to functionality for future occupants, it is noted that the City Council's Landscape Technician has raised objections to the proposal on a number of grounds. These primarily relate to an alternative layout which the Officer considers would result in a more usable area of POS. One of the key changes the Technician is seeking would result in the complete removal of the wildlife buffer to a shelterbelt of trees, creating a more dense landscaped boundary to the site. In addition, the Technician is seeking the relocation of the play area (LEAP) to the north-eastern corner of the development, in place of the surface water detention basin. However, this would fail to secure the mitigation that was considered necessary during determination of the outline parent permission and would go against the views of the Wildlife Officer, Natural England and City Council's Drainage Engineer. It is considered that the ecological mitigation and effective surface water drainage are of far greater importance to the overall impacts of the development and

therefore, the suggested amendments are not possible. Furthermore, it is considered that the proposal would provide an acceptable level of amenity for future occupants, providing a range of POS to meet their needs. Whilst there would be more formal 'mock hills and holes' and wildlife buffer, there are also areas of flat open grassed space (such as the detention basin) for general recreation and the planting is considered to offer an acceptable visual amenity. Accordingly, amendments are not considered appropriate or necessary in this instance.

On this basis, it is considered that the level of public open space proposed is acceptable, and would afford future occupants with an acceptable level of amenity as well as achieving the required ecological mitigation/enhancements.

Ecology

Notwithstanding the assessment set out above, the outline parent permission also requires that the reserved matters application be accompanied by both an Ecological Management Plan or similar (condition C14 refers) and Landscape Management Plan or similar (condition C16 refers). The application has been accompanied by such documents which both Natural England and the City Council's Wildlife Officer are accepting of. The measures contained therein are considered appropriate, and will ensure that long-term mitigation and enhancement of ecological features and the POS are secured.

It is noted that Natural England have made some requests for amendments/additional provisions within the landscape management plan as a basis on which they raise no objections. Save for the amendment set out above, this includes: a programme of monitoring of the calcareous grassland for a period of 5 years following planting; assurance regarding the local provenance of seeds; and removal of Beech and Whitebeam trees with more appropriate locally native species. At the time of producing this report, the Applicant is making these requested changes and an update will be provide to Members.

It is anticipated that these changes will fully address the requests of Natural England an subject to this, the proposal would fully accord with the provisions of C14 and C16 of the parent outline planning permission, and ensure that the ecological impacts arising from the development are fully addressed. On this basis, the proposal is considered to be in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011), Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP28 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded some weight at this time.

In addition to the above, the Wildlife Officer has requested that an ecological landscape management group be secured to regularly review progress on site, agree the source of "green hay" and/ or additional seeding, ensure that wildflower grassland (and other) habitats are establishing adequately and address any issues that may arise, particularly during the initial five year phase. This is noted, however the detail of such should have been secured as part of the outline parent permission and does not form a request of Natural England, the statutory body in this regard. Accordingly, whilst such a body would be beneficial, it is considered to be mitigation that is unnecessary, given that other management measures have been found to be acceptable.

With regards to the request of the Wildlife Officer for details of bat roost and bird nesting boxes to be provided at this time, this matter is already secured by virtue of condition C13 of the parent outline planning permission. The details are not required as part of a reserved matters application but instead, prior to first occupation of any dwelling. Accordingly, the details cannot be required at this time.

It is noted that several objectors have raised concerns with regards to the management of the on-site POS. The submitted Landscape Management PLa identifies that the areas of POS will be managed by a Residential Management Company funded by a charge to the residents. That is not to say that residents will be maintain the POS themselves, but instead a dedicated company will be appointed. This is not uncommon throughout the City or indeed country, and is considered sufficient to ensure that the long-term maintenance of the POS is secured.

f) **Amenity**

Neighbouring occupants

It is noted that the application has been subject to considerable objection from local residents, predominantly those who bound the site and live in Paynes Field, along Bainton Road and Linden Close.

Turning first to Paynes Field, it is acknowledged that occupants to the northern and western edges of this development current benefit from unobstructed views towards the open countryside and all have low boundary heights to the application site. The proposal would introduce a hard built form in place of these views and this would detract from the enjoyment of residents homes. However, the loss of views is not a material planning consideration and the Inspector, in allowing the development, dealt with this issue. Accordingly, the loss of views is not one that can be revisited through this current application.

The proposal seeks for new residential dwellings to back onto Paynes Field, with building heights at two storeys. The proposed dwellings along the boundary with Paynes Field would have a minimum garden depth of 10 metres, and would ensure that a minimum window-to-window separation distance of 20 metres. Whilst it is noted that many residents do not consider that this level of separation is sufficient, it is a level which is generally considered acceptable. Officers consider that such levels of separation (which are the minimum and no applicable to the entire layout) would ensure that no undue overlooking towards primary habitable neighbouring rooms results, and that no unacceptable degree of overbearing or overshadowing would result.

With regards to No.23 Paynes Field, it is acknowledged that this would be subject to the greatest impact, given the corner position and number of dwellings which surrounds it (4no. with an immediately adjoining boundary and 1no. further dwelling in close proximity). However all of the proposed dwellings meet with the above minimum separation distances and it is not considered that such a degree of harm would result to those occupants as to represent a reason for which the current proposal could be resisted.

It is also noted that many residents have expressed concerns with regards to the likely boundary treatment separating Paynes Field to the development. Whilst not proposed at this time (this is to be secured by condition), Officers consider that the only appropriate treatment would be a 1.8-2 metre high close boarded fence. This would ensure privacy for both neighbouring and future occupants. Local residents have requested that instead, a soft boundary be secured or mitigating planting. However Officers do not consider that this would be appropriate as landscaping would take a considerable time to establish (during which open views would be possible between properties) and landscaping once established is no longer controlled by the planning system. Therefore, soft landscaping to this boundary is not considered appropriate or workable.

Turning next to Bainton Road, with the exception of No.25, the garden depths to these existing residential dwellings are considerable (at least 30 metres) and therefore the impact of the residential development is somewhat lessened. Nonetheless, the proposal seeks to ensure that garden depths along the southern boundary of the site are no less than 9 metres (to the 2no. bungalows) which would ensure that even the far ends of neighbouring gardens are not subject to undue overlooking or overbearing impact. With regards to No.25 Bainton Road, this single storey dwelling is set further back into its site and therefore closer to the proposed dwellings. However this dwelling has been designed (at the request of Officers) to have no facing first floor windows and be set a minimum of 12 metres from the shared boundary. This would ensure that no overlooking was possible, and no undue overbearing impact would result.

With regards to Linden Close, the main impact arising to occupants would be from the footpath link through to Uffington Road. This would be in close proximity to the shared boundary with No.1 Linden Close as well as dwellings on Paynes Field. However subject to securing appropriately

designed lighting and fencing, it is not considered that unacceptable harm would result either through loss of privacy, light intrusion or noise/general disturbance.

Taking into account the above, it is considered that the proposal would not result in an unacceptable degree of harm to the amenities of neighbouring occupants and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time.

Future occupant amenity

In terms of the amenity of future occupants, it is considered that the proposal would provide an acceptable quality of life and liveability. The proposed dwellings would all be of adequate internal size, accommodating the storage needs of occupants. Furthermore, all would be subject to adequate levels of sunlight/natural daylight and set at distances to ensure sufficient window-to-window and window-to-dwelling relationships. There would be no undue levels of overlooking, overbearing or overshadowing impact between the dwellings proposed, and all gardens are considered to be of a size commensurate with the scale of the dwelling that they serve. On this basis, the proposal is considered to be in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012).

g) **Heritage impacts**

The principal impact of the development upon the adjacent Barnack Conservation Area (CA) has already been dealt with through the granting of the parent outline planning permission. In allowing the appeal, the Inspector concluded that '*...the appearance of the development would not be materially harmful to the setting of the CA, particularly when contrasted with the currently rather stark and unscreened appearance of the Paynes Field development.*' In addition, he concluded that there was an opportunity to secure a better landscaped edge to the development during determination of a further reserved matters application. Accordingly, the principle of harm to the setting of the CA is not a matter that can be revisited at this time.

Nonetheless, the layout and design of the current proposal must be considered in terms of impact to this designated heritage asset and the statutory duty to ensure that the development preserves or enhances its special features apply. Historic England have deferred to the Council's own specialist advice and therefore, the views of the City Council's Conservation Officer are of key importance in this regard.

The Conservation Officer has raised no objections to the overall design and style of the proposed development. It is considered that the design of the dwellings and materials to be used are sympathetic and in keeping with the historic village of Barnack. Overall, the Conservation Officer considers that the proposals are modest in scale, and include architectural details which are representative of the local vernacular.

However, the Conservation Officer has raised concerns with regards to the proposed western edge of the development which, in his view, has the greatest impact upon the setting of the CA. The Officer considers that the proposed planting would not provide adequate screening to the development, instead allowing clear views of the proposed estate. On this basis, he has requested that the planting be enhanced. It is considered that additional tree planting would be necessary in this case, to strengthen the boundary of the village and create a more dense verdant edge. The additional landscaping may be secured by condition and subject to this, it is considered that the proposal would preserve the setting of the Conservation Area. The proposal would therefore be in accordance with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP19 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time.

h) **Trees**

Condition C15 of the parent outline planning permission requires that the reserved matters consent application be accompanied by an Arboricultural Method Statement and Tree Protection Plan.

These have been submitted alongside this current application and, broadly, the details contained therein are accepted by the City Council's Tree Officer. However, concern has been raised with regards to the proposed footpath link within the south-eastern corner of the site to Uffington Road. This footpath is located within an area of young woodland subject to Tree Preservation order 08/2013.

The proposal seeks for the footpath to be equidistant from the northern and southern boundaries however this would require the removal of several young trees which is not supported by the Tree Officer. Instead, he wishes to see the footpath move closer to the southern boundary, where a relatively clear line already naturally exists. Moving the footpath in this way would require the removal of less trees within the protected group and minimise the harm to the visual amenity of the locality. Subject to the use of a 'no dig' construction of the footpath, the Tree Officer is confident that the impact to protected trees would be minimal.

The Applicant is currently reviewing this layout and is due to submit a revised proposal to reflect the comments of the Tree Officer (including a revised Arboricultural Method Statement/Tree Protection Plan). An update will be provided to Members within the Briefing Update Report however subject to receipt of the requested amendment, it is considered that the proposal would not result in unacceptable harm to trees of key amenity value and is therefore in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP29 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time.

i) **Other matters**

In response to those matters raised by technical consultees/objectors that are not discussed above:

- **Foul water drainage strategy** – It is noted that the Environment Agency has requested a condition securing a foul water drainage strategy. However this matter is already secured by virtue of condition C10 of the parent outline planning permission and therefore does not need to be re-secured.
- **Lack of travel plan** – It is noted that the City Council's Travelchoice team have raised objections to the proposal as no travel plan has been submitted. This is secured by virtue of condition C6 of the parent outline planning permission and does not need to be submitted at reserved matters stage.
- **Surface water drainage** – It is noted that the Lead Local Flood Authority has objected to the current proposal as it fails to show how SuDS will be integrated into the development. Whilst normally the design of SuDS should be secured at reserved matters stage, the Inspector in granting outline permission did not require this. Instead, the details of the surface water drainage scheme were secured by way of a pre-commencement condition (condition C9 of the parent outline planning permission refers). Therefore, Officers do not consider that the lack of information at this time could be used as a reason for withholding consent at this time. Notwithstanding this, suitable drainage could be achieved through the use of permeable highway paving as opposed to swales which were only shown indicatively as a potential method of collecting/transporting run-off.
- **Wildlife corridor** - Several objectors have made reference to the existing wildlife corridor which was created to the rear of the Paynes Field development, and requested that this be retained and enhanced. Several years ago, it was brought to the attention of Officers that this corridor had been incorrectly planted by the Paynes Field developer and therefore had been incorporated into several residential gardens. As enforcement action rests with the landowner, the decision was taken at the time to not pursue enforcement action or require that the wildlife corridor be re-planted. It is not considered that the submission of this application should alter that situation.

- **Construction hours** - Some representations have requested that the hours of construction be tightly controlled and only permitted during 'normal working hours'. Construction activities are to be controlled by virtue of a Construction Management Plan, which is a condition imposed upon the outline permission. It is therefore not for consideration at this time. However generally accepted construction hours across the City are 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays.
- **Damage from groundworks/loss of property value** - These are not material planning considerations.
- **Lack of affordable housing provision on other sites by the Developer** - This is not a material planning consideration and the proposal seeks to provide the required 30% affordable housing figure.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the density of the development has previously been found acceptable and is therefore not a matter which can be re-considered at this time;
- the proposal would make adequate provision for a range of housing that would meet the future needs of residents and accords with the requirements of condition C18 of the parent outline planning permission. The proposal is therefore in accordance with Policy CS8 of the Peterborough Core Strategy DPD (2011) and emerging Policy LP08 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded some weight at this time;
- the layout and design of the development would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP16 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time;
- the proposal would provide adequate parking to meet the needs of the development, and would ensure safe access for all users, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded some weight at this time;
- the level of public open space proposed is acceptable and accords with the provisions of condition C 17 of the parent outline permission. It would also afford future occupants with an acceptable level of amenity as well as achieving the required ecological mitigation/enhancements, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011), Policies PP3, PP4 and PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP17 and LP28 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded some weight at this time;
- the proposal would not result in an unacceptable degree of harm to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time;
- the proposed development would afford future occupants with an acceptable level of amenity, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time;
- additional planting to the western boundary would ensure that the setting of the Barnack Conservation Area was preserved, in accordance with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP19 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time; and

- adequate protection would be afforded to existing trees of amenity value to the surrounding area, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP29 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time.

7 Recommendation

The Director of Growth and Regeneration recommends that Reserved Matters is **GRANTED** subject to the following conditions:

C 1 The development hereby consented shall be carried out in accordance with the following drawings:

- Location Plan (drawing number 408-LP-01)
- Planning Site Layout (drawing number 408-SK-01 Revision D)
- Planning Site Layout (coloured) (drawing number 408-SK-02 Revision D)
- Storey Height Plan (drawing number 408-SK-03 Revision D)
- Affordable Plan (drawing number 408-SK-04 Revision D)
- House Type Plan (drawing number 408-SK-05 Revision D)
- Open Space Plan (drawing number 408-SK-06 Revision D)
- Materials Plan (drawing number 408-SK-07 Revision D)

- Detailed Planting - Residential (Sheet 1 of 2) (drawing number B18016.401 Revision A)
- Detailed Planting - Residential (Sheet 2 of 2) (drawing number B18016.402 Revision A)
- Detailed Planting - Open Space (drawing number B18016.403 Revision A)

- Affordable House Type A23 (drawing number HT.A23.pe3)
- Affordable House Type A24 (drawing number HT.A24.pe3)
- Affordable House Type A26 (drawing number A26v1.pe3)
- Affordable House Type A32 (drawing number HT.A32.pe3)
- Affordable House Type A36 (drawing number HT.A36.pe3 Revision A)
- Affordable House Type A40 (drawing number HT.A40.pe3)
- Flat Type F02 Elevations (drawing number F02x6v2.e5 Revision A)
- Flat Type F02 Ground Floor Plan (drawing number F02x6v2.p1)
- Flat Type F02 First Floor Plan (drawing number F02x6v2.p2)

- The Attingham Floor Plans and Elevations - Stone and Brick (drawing number ATT.pe5)
- The Attingham Floor Plans and Elevations (drawing number ATT.pe6)
- Byrne Stone and Brick Elevations (drawing number BYR.e5)
- Byrne Plans (drawing number BYR.p1)
- The Cottingham Floor Plans and Elevations - Stone and Brick (drawing number COT.pe5)
- The Cottingham Floor Plans and Elevations (drawing number COT.pe6)
- The Elliot Floor Plans and Elevations - Stone and Brick (drawing number ELL.pe5)
- The Elliot Floor Plans and Elevations (drawing number ELL.pe6)
- The Grainger Floor Plans and Elevations (drawing number GRA.pe5)
- The Kempthorne Floor Plans and Elevations - Stone and Brick (drawing number KEM.pe5)
- The Kempthorne Floor Plans and Elevations (drawing number KEM.pe6)
- The Lutyens Floor Plans and Elevations (drawing number LUT.pe6)
- The Mountford Floor Plans and Elevations - Stone and Brick (drawing number MOU.pe5)
- The Mountford Floor Plans and Elevations (drawing number MOU.pe6)
- The Mylne Floor Plans and Elevations - Stone and Brick (drawing number MYL.pe5)
- The Mylne Floor Plans and Elevations (drawing number MYL.pe6)
- The Mountford Plot 23 Floor Plans and Elevations (drawing number MOUp23.pe6)
- The Mountford Plot 33 Floor Plans and Elevations (drawing number MOUp33.pe5)
- The Pembroke Floor Plans and Elevations - Stone and Brick (drawing number PEM.pe5)
- The Pembroke Floor Plans and Elevations (drawing number PEM.pe6)

- Single Garage (drawing number SH-G104 Revision D)
- Double Garage (drawing number G213.pe1)
- Double Garage (drawing number SH-G209 Revision A)
- Shared Double Garage (drawing number G212.pe1)
- Shared Double Garage (drawing number SH-G208 Revision C)
- Sales Area Layout (drawing number LHM161-SalesArea-01)
- Sales Area Extended Double Garage (drawing number EXD 600-601)

Reason: For the avoidance of doubt and to accord with the provisions of conditions C1 and C2 of outline planning permission reference APP/J0540/W/16/3153303.

C 2 No development other than groundworks and foundations shall take place until samples/details of the following external materials to be used have been submitted to and approved in writing by the Local Planning Authority:

- Walling (samples);
- Roofing (samples) including dormer window cheeks;
- Windows and doors (details);
- Garage doors (details);
- Porches and canopies (details);
- Cills and lintels (details); and
- Rainwater goods (details).

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number, and the samples shall be made available for inspection by the Local Planning Authority on site. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance and to preserve the setting of the Barnack Conservation Area, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP16 and LP19 of the Peterborough Local Plan 2016-2036 (Submission Version).

C 3 Notwithstanding the submitted drawings and prior to the occupation of any dwelling, a hard landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include, but not limited to:

- Boundary treatments;
- Bin collection points to serve Plots 54, 55, 67 and 68 which must be clear of the private driveways serving the dwellings;
- Refuse store to serve Plots 73-78;
- External lighting;
- Surfacing and demarcation of all parking areas;
- Surfacing of all highways and footways, including pedestrian connections to the dwellings;
- and
- Refuse and dog waste bins within the areas of Public Open Space.

The boundary treatments, bin collection points, refuse store, external lighting and surfacing/demarcation shall be carried out in accordance with the approved scheme and prior to first occupation of the dwelling to which they relate. The refuse and dog waste bins shall be provided in accordance with the approved scheme and prior to first use of the areas of Public Open Space to which they relate.

Reason: In the interests of neighbour and future occupant amenity, the visual amenity of the development, crime reduction and highway safety, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2, PP3, PP4 and PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP13, LP16 and LP17 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C 4 No dwelling shall be occupied until the areas relating to that dwelling for the parking (including garages) and turning of vehicles, as shown on drawing number 408-SK-01 Revision D 'Planning Site Layout', have been provided. Thereafter, those areas shall be retained solely for the parking and turning of vehicles in connection with the dwelling to which they relate in perpetuity.

Reason: To ensure adequate parking provision in the interests of highway safety, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C 5 The highways, footways, footpaths and private driveways shown on drawing number 408-SK-01 Revision D 'Planning Site Layout' shall be completed/finished to top course level in accordance with the surfacing details secured under the provisions of condition C3 above no later than one month following occupation of the last dwelling.

Reason: In the interests of highway safety and the amenities of future occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP4 and PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP13 and LP17 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C 6 Prior to first use of the driveways/parking spaces to which they relate, vehicle-to-pedestrian visibility splays of 1.5 metres x 1.5 metres (measured from and along the back edge of the highway boundary, including footways) shall be provided to both sides of the driveway/parking spaces. Thereafter, those visibility splays shall be kept clear of any obstruction above a height of 600mm in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C 7 Notwithstanding the submitted drawings and prior to first occupation of Plots 73-78, secure and covered cycle parking at a rate of 1 space per unit shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking shall be retained solely for the parking of cycles in connection with the residential units in perpetuity.

Reason: In order to promote more sustainable methods of travel to/from the site, in accordance with Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C 8 Notwithstanding the submitted landscaping scheme and prior to the commencement of development, details of additional buffer tree planting to the western edge of the site shall be submitted to and approved in writing by the Local Planning Authority. The additional tree planting shall be carried out and maintained in accordance with the 'Landscape

Implementation and Management Programme' detailed within the submitted 'Landscape Management Plan' (dated February 2018).

Reason: In order to preserve the setting of the Barnack Conservation Area, in accordance with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP19 of the Peterborough Local Plan 2016-2036 (Submission Version). This is a pre-commencement condition as implementation of the landscaping is due to take place during the early stages of construction of the development.

- C 9 Prior to the occupation of any dwelling, details (including a timetable for implementation) of the children's play area/LEAP, as shown on drawing number 408-SK-01 Revision D 'Planning Site Layout', shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but not limited to:

- Equipment specification;
- Boundary treatments;
- Hard surfacing; and
- Associated furniture, e.g. benches.

The children's play area/LEAP shall be constructed in accordance with the approved details, including the timetable for implementation.

Reason: In the interests of the amenities of future occupants and the surrounding area, in accordance with Policies CS16 and CS18 of the Peterborough Core Strategy DPD (2011), Policies PP3 and PP4 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP16, LP17 and LP21 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C10 Notwithstanding the provisions of Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or means of enclosure shall be erected within the site unless expressly authorised by conditions C3 and C9 above or any future planning permission.

Reason: In order to protect and safeguard the amenity of the area and in the interests of highway safety, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP13 and LP16 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C11 Notwithstanding the details shown on the drawings hereby permitted and prior to first occupation of the dwelling to which the window relates, the following first floor windows shall be obscurely glazed to a minimum of Level 3 obscurity and restricted to 100mm maximum opening unless the parts of the window which can be opened fully are more than 1.7 metres above the floor of the room in which the window is installed:

- any side elevation to Plots 2, 4, 8, 15, 54, 63, 68 and 69;
- the northern elevations to Plots 7, 16, 23, 33, 51, 59, 60, 70 and 72;
- the eastern elevation to Plot 26;
- the southern elevations to Plots 34, 42, 50, 53, 57, 61, 62 and 67; and
- the western elevations to Plots 3, 24, 26, 27, 28, 32, 35, 41, 49, 65, 66 and 79.

Thereafter, those windows shall be retained as such in perpetuity.

Reason: In order to protect and safeguard the amenities of future occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP4 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C12 Notwithstanding the provisions of Part 1 Classes A, B and C of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted at first floor into the southern elevation of Plot 33 other than those expressly authorised by any future planning permission.

Reason: In order protect the amenity of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C13 Notwithstanding the provisions of Part 3 Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the residential units hereby consented shall be residential dwellings within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) only.

Reason: The site is not capable of providing the necessary parking or access requirements for small-scale houses in multiple occupation, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011), Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version).

The Director of Growth and Regeneration also recommends that the footpath link from the development onto Bainton Road (to the south-western corner of the development) is retained as secured by condition C21 of the parent outline planning permission.

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Appeal Decision

Inquiry held on 24 January – 2 February 2017

Site visit made on 1 February 2017

by David Richards BSocSci DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 March 2017

Appeal Ref: APP/J0540/W/16/3153303 Land off Uffington Road, Barnack, PE9 3DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Peterborough City Council.
 - The application Ref. 15/01840/OUT, dated 30 October 2015, was refused by notice dated 29 March 2016.
 - The development proposed is up to 80 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Uffington Road and associated ancillary works. All matters to be reserved with the exception of the main site access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for up to 80 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Uffington Road and associated ancillary works in accordance with the application Ref. 15/01840/OUT, dated 30 October 2015, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are: the effect of the proposal on the setting of Barnack Conservation Area; the effect on the landscape setting of Barnack; whether the Council can demonstrate a robust five-year supply of housing land; and whether any harm arising from the scheme significantly and demonstrably outweighs the benefits, such that planning permission should be refused.

Reasons

3. The appeal site lies on the northern edge of the village of Barnack. It measures some 4.28 hectares in area and is currently in agricultural use. It is bounded to the south by existing dwellings in relatively large plots along Bainton Road, and to the east by the recently built estate known as Payne's Field. The northern boundary consists of mature hedgerows with open agricultural fields beyond. The land rises from east to west, and the western boundary consists of a

drystone wall in part with some mature hedgerows, and open fields beyond rising up towards Footpath 12 and Stamford Road.

4. The site currently lies in the countryside, outside the defined village envelope for the village of Barnack.

Planning Policy

5. The Development Plan for the area comprises: the Peterborough Core Strategy (CS) – adopted February 2011; the Peterborough Site Allocations DPD; (SADPD) – adopted April 2012; and the Peterborough Planning Policies DPD (PPDPD) – adopted December 2012.
6. Policy CS1 of the CS sets out a settlement hierarchy with the City of Peterborough at the top, followed by Key Service Centres at Eye and Thorney, eight named Limited Growth Villages, of which Barnack is one, and then a number of small villages. In rural areas the strategy for planned growth will be focused on the key service centres and, to a lesser extent, Limited Growth Villages. Development in the countryside, outside of defined boundaries, will be restricted to that which is demonstrably essential to the effective operation of agriculture and related rural uses and to residential development which satisfies an exceptions test. Policy CS2 confirms that the strategy is to focus the majority of new development in and around Peterborough itself, to enable a larger number of people to access services and facilities locally. It identifies a broad distribution for housing development, including approximately 450 dwellings to Limited Growth Villages. Policy CS8 seeks to ensure a wide choice of high quality new homes and to provide houses that will help to encourage employees to live locally rather than commute into Peterborough from elsewhere.
7. Policy CS20 is concerned with Landscape Character and requires that new development in and adjoining the countryside should be located and designed in a way that is sensitive to the landscape setting, retaining and enhancing the distinctive qualities of the landscape character and sub-area in which it would be situated.
8. Turning to the policies of the PPDPD, Policy PP17 states that all development proposals that would affect a heritage asset will be determined in accordance with national policy in the NPPF.
9. The Council has also adopted a Supplementary Planning Document – Peterborough Design and Development in Selected Villages in 2011. Policy B&P1 relates to Barnack and Pilsgate, and states that where new housing is proposed, these should be individual dwellings, or small groups of dwellings. The creation of larger housing estates is inappropriate.
10. The CS was adopted prior to the publication of the National Planning Policy Framework (the Framework) in 2012. It is common ground that it was prepared to be in conformity with, and to meet the housing requirements of, the now revoked East of England Regional Spatial Strategy. It was also prepared in the context of national planning policy set out in Planning Policy Statements and Planning Policy Guidance Documents, which have now been superseded by the Framework.
11. The SADPD and PPDPD were adopted following the publication of the Framework, to be in conformity with and give effect to the CS. The PPDPD

incorporates the presumption in favour of sustainable development set out in paragraph 14 of the Framework.

12. In July 2015 the Council agreed to prepare a new Local Plan for its administrative area to cover the period 2011 to 2036. The preliminary draft of the new LP was consulted on in January and February 2016. A further draft version which sets out the emerging planning policies and proposals for growth and regeneration, and the proposed sites to deliver growth, was published for consultation on 16 December 2016 until 9 February 2017.
13. It proposes an annual housing requirement of 1,105 dwellings over the plan period 2011 – 2036. This is based on an objective assessment of need (OAN) of 1,005 dwellings per annum (dpa), with an additional 100 dpa to meet its obligations under the Cambridgeshire and Peterborough Memorandum of Co-operation 2013.
14. The plan has yet to go to examination and is some way from adoption. The parties agree that full weight cannot be given to the emerging Local Plan at this stage.
15. The parties are not agreed as to whether the Council can demonstrate a 5 year supply of housing land. I consider the implications of this for the weight to be attributed to particular policies below, in accordance with paragraphs 49 and 216 of the Framework.

Conservation Area and its setting

16. The Barnack Conservation Area (CA) includes most of the village, but excludes development along Uffington Road and the appeal site. The appeal site is slightly detached from the northern boundary of the CA, separated from it by residential development along Bainton Road. Views towards the CA from Uffington Road are constrained by well-established hedgerows flanking the road and the presence of existing development, but there are occasional glimpses of the church spire, a key feature at the heart of the CA.
17. The CA was designated in 1975 and extended in 1990 and again in 2009. It encompasses the historic core of the village. Barnack is located on higher ground above the south terrace of the River Welland valley on an outcrop of oolitic limestone and clay. The CA is described in paragraphs 6.6 – 6.14 of Mr Riley's evidence to the Inquiry and its significance summarised as follows.
18. 'The significance of the CA derives both from the grouping of these heritage assets¹, and also from the historic development of the village that has resulted in a series of contrasting narrow spaces, squares, small enclosure fields, the remnants of small triangular grass 'greens', the transitions between them and the central focus of the church The rural setting of the village and the CA in an agrarian landscape is part of its historic significance. Other features of significance include the consistent use of a limited pallet of limestone, thatch, pantile and Collyweston slate, walls and trees within the village.
19. The Council's particular concern is with the effect of the development on the rural setting of Barnack. It was argued that views towards and from the CA into the open countryside are important because they visually connect the village with the surrounding landscape and give a strong connection with the history of

¹ i.e 60 listed buildings within the CA.

the settlement. The linkage between these outward views and the spaces and enclosed parts of the historic core, the varied agricultural buildings, walls paddocks and closes was identified as an important characteristic of the village which contributes to its significance.

20. The main parties are agreed that the duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character of CAs applies only to land and buildings within the CA, and not to the setting. They further agree that there would be no harm to any listed building in the vicinity, including the Grade I Listed Church of St John the Baptist. Nevertheless Paragraph 132 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that significance can be harmed or lost through development within the setting of a heritage asset. The Council accepts that the harm it alleges would be less than substantial and that the proposal should be assessed in the context of Paragraph 134 of the Framework, weighing harm against the public benefits of the proposal.
21. Of the important views out of the CA identified by Mr Riley, those to the north of Station Road would be unaffected by the development. It was acknowledged by the Appellant that the view from the junction of Bainton Road and Stamford Road adjacent to the war memorial would be affected. The development would be seen on rising ground, and it was accepted that the roof ridges could break the currently unbroken skyline². The proposed landscape/open space buffer would also be a prominent feature of the development from this perspective.
22. It is apparent that the development would occupy currently open agricultural land which forms part of the setting of the village. However, in my judgment, the appeal site does not form a crucial element in the setting of the CA. A particularly distinctive feature of the CA is the inclusion within it of open land forming part of the substantial old farm complexes of Villa Farm, Manor Farm and Limes Farm. These are indeed direct reminders of the historic relationship between the village and the surrounding landscape, but they are an integral part of the CA and subject to the Section 72 duty. They have already been visually severed from the surrounding landscape by development along Bainton Road and Uffington Road.
23. A person viewing the CA from the footpath adjacent to the war memorial would be aware of the development, although it would be to the side rather than directly in the line of view to the church spire at the heart of the CA. The nature and significance of the CA would not yet be apparent to the observer, as it would largely be obscured by the terrain and the site of Barnack Primary School, together with many established trees. They would also be aware of modern development along Stamford Road within the CA. To my mind the appearance of the development would not be materially harmful to the setting of the CA, particularly when contrasted with the currently rather stark and unscreened appearance of the Payne's Field development. While the application is in outline there are clear indications of the nature, extent and disposition of the landscaping proposed and in my view there are opportunities to provide a better landscaped edge to development which can be secured through reserved matters applications. Although the edge of development would be closer, the

² A lone tree which does break the skyline is not significant in this regard.

open agricultural land in the foreground would be retained, and the viewer would still be able to appreciate the relationship of Barnack with the surrounding countryside to the north, including views of the Welland Valley in the distance.

24. The Council drew attention to the National Cycle Network route which passes along Stamford Road, and the potentially higher sensitivity as visual receptors of recreational cyclists using the route. The route uses the main carriageway of the road which is here at a lower level than the footpath. I noted on the site visit that the view of cyclists out to the countryside would be restricted to some degree by the existing field boundary wall. In any event the route is a long distance route which passes through extensive areas of open countryside and numerous attractive settlements, and the change occasioned by the development would be no more than a fleeting glimpse. I do not consider that it would be materially harmful to the rider's experience of the CA, or to its significance.
25. With regard to views towards the CA from Uffington Road, I have already commented that existing mature hedgerows restrict views for much of its length. Existing glimpsed views of the church spire would be substantially unaffected and there are no other direct views into the CA, for example of the area of the CA around the junction of Bainton Road, Station Road and Uffington Road. From field entrances and other limited gaps in existing hedgerows it is possible currently to see across the site to the open part of the CA around Mount Pleasant, and such views would be obscured by the development. However I do not consider that this would represent appreciable harm to the significance of the CA, or that observers without local knowledge would be aware that it was part of the CA. The significance of the CA, including the agrarian roots of Barnack as a settlement, would remain readily understandable from the network of lanes at its heart, and would not be affected to any significant degree by the development.
26. On this basis I conclude that there would be no material harm to the significance of the CA, or conflict with the relevant policies of the development plan, so far as they are material to the determination of this appeal.

Landscape and Visual Effects

27. Barnack lies at the northern edge of National Character Area (NCA) 92, Rockingham Forest, as defined by Natural England (NE). NCA 92 is described as '*essentially a broad, low undulating ridge underlain by Jurassic limestone which falls away from a prominent, steep northern scarp overlooking the Welland Valley ... The landscape is a patchwork of woodland and large to medium sized fields of mixed arable with some pastoral use surrounding small nucleated villages. Fields are commonly bounded by well-managed hedgerows with mature trees or drystone walls and display the rectilinear pattern of the enclosures set within a more sinuous pattern of older enclosures, winding lanes and watercourses.*' On a more local level of assessment, it is part of Landscape Character Area (LCA) 2 Nassaburgh Limestone Plateau Character Area, as identified in Peterborough Landscape Character Assessment (May 2007), and within LCA 2 Local sub area 2b: Burghley and Walcot Slopes. The key characteristics identified include: '*gently undulating limestone landscape; large blocks of woodland; large arable fields with low hedgerows and drystone walls; largely unspoilt nucleated stone villages; and generally a quiet rural ambience.*'

28. The Council agrees with the Appellant that the geographical extent of effects on landscape character of the development would be relatively limited in the wider landscape due to local topography, with higher slopes in the west providing containment to the site in conjunction with the screening effects of heavily wooded land further north. It is furthermore agreed that certain unmanaged site features result in landscape quality being rated less than its potential and that the rarity of the site's landscape is not particularly notable. The Council also accepts that the site lies in an area which is less visually sensitive than some other parts of LCA 2 and Local sub-area 2b (Burghley and Walcot Slopes), due to its containment, with more elevated slopes in the west and south-west of the appeal site preventing views from these directions.
29. In summary, the Council considers that the development would extend modern built development into good quality open countryside, extending the village north-westwards to form a relatively large and dense cluster, inappropriate in size and scale at the rural edge of the village, and contrary to the management objectives for NCA 92. It is further argued that the Appellant's Landscape and Visual Impact Appraisal (LVIA) underestimates the effects on local landscape character and expects mitigation to be more effective than is considered possible. The parties agree that the judgment of the magnitude of effect of the appeal proposal is likely to be between medium and high. However the Council believes that the local landscape effect will be moderate to major adverse in Year 1 and that an assessment of 'major adverse' would be justified because of what it considers to be a substantial increase in the presence of the settlement in the landscape.
30. The Council also disputes the effectiveness of mitigation, and contends that the level of effect at Year 10 would be 'moderate adverse' rather than 'minor adverse' as suggested in the Appellant's LVIA, for the reason that mature planting alone cannot be relied on to reduce the potentially negative landscape and visual impacts of the development. It is argued that the very nature of trees, including their seasonality, structure and the requirement for effective management of the planting to Year 10 and beyond calls into question the effectiveness of the proposed mitigation. The Council also questioned the appropriateness of the proposed tree planting in the predominantly open landscape to the north of Barnack.
31. The Appellant accepted that there would be some limited harm in the wider landscape context of the Burley and Walcot Slopes, but categorises the harm as 'minor adverse' on completion of the development, and remaining 'minor adverse' at Year 10, due to the loss of farmland and replacement with built development, notwithstanding that the new planting would result in a more successful boundary as it matured in the long term.
32. It is acknowledged by the Appellant that the proposals would result in the direct loss of a small area of agricultural land in a localised area currently characterised by the existing open settlement edge. For the site to accommodate development there will be an inevitable disruption and change to the immediate locality of the site of a medium to high magnitude. The effect is judged to be 'moderate adverse' to the site and its immediate context, moderating to 'minor adverse' by Year 10 as the landscaping takes effect, establishing a more sensitive edge to the development in comparison with the Payne's Field development.

33. In terms of visual effects the Council argues that the effect on views along Bainton Road should be categorised as 'moderate' to 'major adverse' in Year 1, in view of the fact that users of the National Cycle Route should be categorised as visual receptors of high sensitivity. While I accept there would be some harm to this view from the footpath (Viewpoint 5 in Mr Holliday's appendices), I note that cyclists (using the main carriageway) would be at a lower level than the footpath at this point, and also that the NCR follows Stamford Road rather than Bainton Road into the village after the war memorial. The presence of the field boundary wall would tend to limit the views of cyclists over the site. In any event such views would be fleeting, and experienced as part of a long distance route that passes through extensive areas of high quality landscape and many attractive settlements.
34. With regard to views from Uffington Road, I acknowledge that views across the site towards the war memorial and the higher ground in the vicinity of Mount Pleasant, part of which lies in the CA, can currently be obtained from field gates and gaps in the hedgerow, and that the development would have some presence in these views. However it is likely that the majority of users of Uffington Road would be drivers, and it is unlikely that they would be able to appreciate such views through hedgerow gaps and field openings. While it is possible to walk along Uffington Road as part of a circuit following Footpath 12 to the pumping station, Uffington Road did not strike me as an attractive walking route, having no footpaths and carrying a significant amount of traffic, at least in the afternoon when the site visit took place. The Council acknowledged that looking south along Uffington Road tall hedgerows to both sides of the road contain and channel the view, and did not seek to argue that the effect would be anything more than a locally significant change to the view of the setting of a rural edge to the village of Barnack.
35. Views of the site from Footpath 12 itself (for example Viewpoint 9 in Mr Holliday's appendices) would be limited to short breaks in the dense hedgerow which runs along the east side of the footpath. I consider that the amenity of users would not be materially harmed by occasional glimpsed views of the development.
36. In my assessment, while the landscape to the north of Barnack is attractive open, predominantly arable countryside, it is not a designated landscape. While it is of value as countryside, the Council accepts that it is not a 'valued landscape' for the purposes of paragraph 109 of the Framework. In my judgement the Appellant's assessment of the impacts as presented by Mr Holliday at the Inquiry are fair and reasonable, and the limited harm identified in terms of landscape and visual impact is a matter to be balanced against any benefits that would flow from the development. While I acknowledge that organically shaped belts of tree planting are more characteristic of the landscape to the south of Barnack than the open landscape typical of the north side, planting of native trees to create a partial screen to the development is a common feature of developments at the edge of settlements, and would have some amenity value to offset the harm identified. The growth rates suggested by Mr Holliday did not seem exaggerated or unachievable, and the proposed planting would be effective in moderating the appearance of development in the landscape.
37. The Council also considers that the density of the development would be uncharacteristic of the village form, which tends to be higher at the centre of

the village with lower density housing at the edges. I accept that the layout is likely to be at a higher density than elsewhere on the periphery of Barnack, in view of the need to make reasonably efficient use of land. However, I do not consider it will be particularly uncharacteristic in the immediate context of the Payne's Field development, and the scheme includes considerable elements of landscaping, which can help to assimilate the development and create a better edge to the settlement.

38. I conclude that visual and landscape harm would be limited to the immediate landscape setting on this side of the village and would be no more than 'minor adverse' at Year 10.

Housing Land Supply

39. Since the submission of the planning application for 80 dwellings in Barnack on 31 October 2015, the Council have published three different versions of the Five Year Land Supply (5YLS) reports, to take into account the latest monitoring information. In November 2015 the Council published a Five Year Land Supply report (CD230) that identified a supply of 3.2 years. However the housing requirement was calculated using the adopted CS growth target of 25,500 homes, which is based on the now revoked Regional Spatial Strategy. It is common ground that the CS growth target is out of date, and the Council is preparing a new Local Plan for Peterborough. A preliminary Draft Local Plan was published in January 2016, using more up to date evidence from the Strategic Housing Market Assessment - October 2015 (SHMA), which included an assessment of Objectively Assessed Need (OAN).
40. In January 2016, the Council accordingly published a revised 5YLS Report, based on the OAN requirement, which gives a new local plan target of 27,625 dwellings between 2011 and 2036, or an annual requirement of 1,105 dwellings. This identified a supply of 6.22 years and was the basis of the Council's position when it determined the appeal application in March 2016.
41. Subsequently, an updated 5YLS has been published in December 2016 to support the Further Draft Local Plan Report (December 2016). The Council considers that of the three reports, only the latest one should inform the decision in this appeal as the latest piece of evidence available.
42. It is common ground that the Sedgefield approach is appropriate, whereby any identified backlog should be delivered over the first five years of the Local Plan period. The Council accepts that there has been a consistent record of underprovision, and that a 20% buffer should be applied to the calculation. Outstanding areas of dispute at the Inquiry remained: the OAN figure to be used as the basis of the calculation; the correct base date for calculation of the 5YLS; whether the buffer should apply to the unadjusted housing requirement, or whether it should also be applied to the accumulated shortfall; and whether a separate windfall allowance is justified.

Objectively Assessed Need

43. The Council did not present any evidence in respect of the OAN, and did not cross-examine Mr Baker, appearing on behalf of the appellant. In the Council's view, the OAN and the local plan target is a matter for a forthcoming examination of the emerging LP. However, it is clear from Planning Practice Guidance and case law that where evidence in Local Plans has become

outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. In the absence of an up to date requirement, a decision maker is required by law to come to a judgment on the OAN based on the information before him or her, and to base any assessment of deliverable supply on this judgment³. The principle of focusing on a single authority's OAN for the purposes of decision taking is confirmed by the Court of Appeal in the Oadby and Wigston case.⁴

44. The Council's assessment of the OAN for its administrative area is taken from the 2015 SHMA and equates to an annual requirement of 1,005. In preparing the emerging local plan, the Council has included an allowance of 100 dpa over the plan period to meet the needs of adjacent Cambridgeshire authorities. The land supply situation has accordingly been assessed by the Council against an annual requirement of 1105 dpa. The assumptions and adjustments contributing to this assessment have not yet been tested at examination.
45. Mr Baker's assessment has been made on the basis that it must be an objective exercise which must identify housing demand and therefore housing need in full. It should be a positive exercise which responds to future economic change, housing market signals and affordability issues. It takes the most recent household projections as a starting point, and assesses whether adjustments need to be made for local demographic factors not apparent from past trends, likely job changes, housing market signals and affordable housing needs.
46. Mr Baker takes as his starting point the latest household projections which set out a need to deliver 868 dpa in Peterborough between 2011 and 2036. However, they are based on a short term period heavily affected by recession and he considers that an adjustment to 931 dpa is necessary to take account of prevailing migration trends. He does not identify any need for adjustment to meet future labour force requirements. He considers an adjustment of 15% is justified to reflect affordability pressures in Peterborough, given the significant need for affordable housing and acceptance by the Council that the need will not be met in full over the plan period. This compares with an uplift of 10% adopted in the OAN work undertaken as part of the 2015 SHMA. His analysis concludes that given significant fluctuations in past migration flows a long term migration strategy should be pursued. This produces a final OAN figure of 1,076 dpa for Peterborough, in comparison with the Council's figure of 1,006 dpa.
47. To put his work in context, Mr Baker also worked through the alternative approach put forward by the Local Plans Expert Group (LPEG), which advocates significant uplifts to secure affordable housing delivery, and produces an OAN figure of 1,306 for Peterborough. This provides further support for his conclusion that an uplift of 15% is justifiable in Peterborough.
48. The Council did not cross-examine Mr Baker on his evidence, or put forward evidence to support the OAN adopted in the 2015 SHMA. I accept that there may well be other OAN calculations which will need to be reconciled in an

³ See Inquiry Document 20, paragraph 28.

⁴ [2016] EWCA Civ 1040 Oadby and Wigston Borough Council and SSCLG

examination of the emerging LP. However, Mr Baker's approach appears to me measured and proportionate, and is the best evidence available to me. I note that it produces a lower requirement than that used by the Council in calculating the land supply, which includes 100 dpa to cater for needs arising outside Peterborough. In the light of the Oadby and Wigston judgment it is appropriate to focus on the OAN for Peterborough at this appeal. Adjustments in respect of externally generated need are 'policy on' considerations which are matters to be tested through the local plan examination.

49. I conclude that, for the purposes of this appeal, the OAN should be 1076 dpa.

Base date for 5 year supply

50. The Framework advises local planning authorities to identify and update annually a supply of specific deliverable sites. The Planning Practice Guidance further advises that this should be done in a robust and timely fashion, based on up to date and sound evidence. It should be realistic and made publicly available in an accessible format. Once published, such assessments should not normally need to be updated unless significant new evidence comes to light or the local authority wishes to update its assessment earlier.

51. The Council's position that the period for assessment of the 5YLS should be 2017 – 2022. It relies on updated information published on 9 December 2015, and on housing monitoring data at 31 March 2016. As the Appellant points out, there are practical problems with this in that final completions data for 2016/17 are not yet available. There are also issues of transparency and robustness, in that it is difficult for other stakeholders, including the present Appellant, to interrogate and reach an informed assessment of matters such as delivery rates and new recently identified sources of supply. This was particularly the case with oral updates on some sites given at the Inquiry.

52. I accept that the land availability can change rapidly in response to new permissions, market conditions and pro-active measures adopted by Councils to promote sites in partnership with the development industry. I also appreciate that the Council has endeavoured to make new information available in accordance with the Inquiry timetable.

53. The Council considers that if it does not adopt the 2017 - 22 base date it can never demonstrate that it has a full 5 year supply, and cites an appeal decision where this approach has been accepted. This seems to run counter to the experience of many authorities which produce an annual update based on the last full year for which completions data are available, as referred to by Mr Hourigan on behalf of the Appellant. While I understand the Council's wish to take the latest site information into account, there are considerable advantages for transparency from data being readily available to stakeholders in a consistent format, in accordance with national guidance, and for this reason I consider a base date of 2016 for the assessment of land availability is to be preferred.

Backlog

54. The Framework and PPG do not specify whether the 20% buffer (which is common ground is appropriate in this case) should apply to the 5 year requirement or should also apply to the accumulated backlog. The Council's

view is that this would amount to double counting and would result in the Council being 'penalised' twice for not meeting previous delivery rates.

55. The application of a 20% buffer should not be interpreted as a penal measure. Its purpose is to secure an immediate boost in the supply of housing land, in accordance with the Framework, by bringing forward development from later years. I am aware of a number of appeal decisions which have been cited by the parties in support of these alternative approaches. In a recent decision however the Secretary of State has accepted that the 20% buffer should be applied to the backlog, and it seems reasonable to give more weight to this as a recent statement of the Secretary of State's preferred approach⁵. In any event, in this case it represents a relatively small component of the supply calculation, and would not significantly affect the overall assessment.

Windfalls

56. Paragraph 48 of the Framework provides that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends.
57. The Council's justification for the inclusion of windfall sites is included in Appendix B of CD24, which comprises a summary of windfalls that have been delivered over the 15 year period 31 March 2002 – 31 March 2016. In that period 2092 dwellings are stated to have been delivered on sites not identified through the local plan process, an average of 139 dwellings per annum. On this basis the lpa has included a figure equating to 115 completions per annum for the last three years of the 5YLS period, as what it says is a conservative rate justified by past experience. It is recognised that development sites which are currently unforeseen are unlikely to produce a significant level of completions in the first two years.
58. The Appellant warns against the dangers of double counting, and suggests that the Council has already included windfalls in the account, in the form of dwellings with planning permission on allocated large and small sites. Table 5 of the Council's December 2016 5YLS Statement (CD 24) sets out predicted contributions from to completions from such sites. These fall away significantly towards the end of the five year period. My understanding of these sites is that though not previously identified, they now form part of the 'mainstream' supply as they are identified sites with planning permission. An estimate has been made of predicted completions in future years. As a matter of principle it is not unreasonable to suppose that other such unidentified sites may come forward and make a contribution to completions in future years, and to my mind the Council has produced sound evidence to support that contention, and carried out a realistic discounting exercise to avoid double counting. However, I have already concluded that the base date for calculating the 5YLS should be 2016 rather than 2017, so that the 129 windfall completions predicted in 2021/22 would drop out of the account.

⁵ APP/W1715/W/15/3130073 Land to the north-west of Boorley Green, Winchester Road, Boorley Green

Inspector's conclusion before considering sites in detail

59. The OAN for Peterborough is 1076. Adopting a base date of 2016 and applying the Sedgefield approach to addressing the backlog by adding a 20% buffer to reflect past levels of underdelivery (and including the backlog in the calculation of the 20% buffer) the calculation is as follows⁶:

5 Year Requirement (2016 – 2021)	1076
Annual requirement	1469
Supply identified by Peterborough CC	6978
Supply (Peterborough CC)	4.75 years
Supply (Appellant)	3.80 years

60. I note that if the calculation is made using the annual requirement of 1105 dwellings set out in the Peterborough LP Further Draft (December 2016), the supply worsens somewhat to 4.53 years on the Council's case or 3.62 years on the Appellant's. However, I am satisfied that the figure of 1076 is appropriate in the context of this decision. It is apparent that even on the Council's best case regarding supply, it cannot at present demonstrate a 5 year supply of housing land. I accept that this is only a modest shortfall, but it is nevertheless a shortfall, and paragraphs 14 and 49 of the Framework are engaged.

Components of supply

61. A round table discussion took place at the Inquiry during which methodology was addressed and some detailed discussion of sites took place. Prior to the discussion, an agreed statement of common ground was submitted relating to housing land supply issues (Doc 22). In response to Mr Hourigan's evidence, the Council accepted that four sites totalling 161 dwellings should be discounted from the supply. However, it put forward three other sites totalling 178 completions, resulting in a net increase in supply of 17 dwellings. The Appellant has accepted the amendments for the purposes of the Inquiry, on the basis that the changes would have no material implications on the position advanced by the Appellant in Mr Hourigan's proof and rebuttal statement. I concur with that view, and have not made an adjustment to the figures set out therein.
62. The Appellant's key contention is that not all the sites on which the Council relies have been assessed in accordance with advice in the Framework and Guidance, and consequently the Council has not robustly demonstrated their deliverability in the five year period. Particular concern was expressed with the levels of delivery expected from residual allocated sites, and new sites allocated in the emerging Local Plan. Some of these sites are only relevant to delivery in 2021/22, so as I have concluded the assessment period should be 2016 – 21 they fall out of the assessment automatically, for example the 50 dwellings at Orton (Site DC04) and 25 dwellings at Railworld North. Of the more significant remaining sites there is uncertainty about delivery of 200 dwellings in the north Westgate Opportunity Area (Site CC3.5), development

⁶ As set out in Table 3 of Mr Hourigan's Rebuttal Statement, Document 15, page 30.

which is acknowledged to be hindered by complex and multiple land ownership, with the Council having little ownership interest. While I accept that the Council is working to unlock the site, the evidence base supporting delivery does not comply with footnote 11 of the Framework.

63. Other sites where the level of information on delivery is not compliant with Footnote 11 include: the Northminster Opportunity area (Allocation CC3.6) where 100 completions are predicted for 2020/21; Station West Opportunity Area - 100 completions predicted for 2020/21 (Allocation CC4.2); Station East Opportunity Area - 150 completions predicted 2020/21 (Allocation CC4.3); and Riverside South Policy Area – 150 completions predicted 2020/21 (Allocation CC.6).
64. This is not an exhaustive list of the sites over which the Appellant has expressed concern. However it is apparent from these examples that in some cases the Council has taken an over-optimistic approach to the delivery of complex urban sites within the five year period, and that actual completions may be some way below the 4.85 years referred to in the table above.
65. I am aware that the Council has an excellent track record in recent years in unlocking difficult sites through partnership arrangements. It has been commendably pro-active in bringing forward sites for development through a variety of measures including: the Peterborough Investment Partnership (a joint venture company with Lucent Strategic Land Fund set up in 2015); the establishment of Medesham Homes in October 2016, a joint venture company with Cross Key homes with £20 million capital funding and £14.6 million affordable housing capital funding allocated; the Medium Term Financial Strategy for 2017/8 for significant investment of capital funding of £15 million for the North Westgate Opportunity Area; and the Cambridgeshire and Peterborough devolution deal (July 2016) which will provide £100 million of new funding to support the building of new homes including affordable homes and £20 million per year to unlock development. All these are clear signals of a Council that is strenuously promoting housing development to meet the needs of its administrative area. I have considerable sympathy with the view that it is not simply a lack of suitable sites which has resulted in past underdelivery, and that market factors and the capacity of the development industry are also important. Nevertheless a key objective of the Framework is to boost significantly the supply of housing, and the arrangements in respect of the 5YLS are central to achieving this.
66. Accordingly I conclude that the Council is unable to robustly demonstrate a 5YLS of housing land at the present time.

Benefits of the scheme

67. The scheme would contribute to the supply of housing land, including 30% affordable housing, secured through an executed S106 obligation. The Council's view is that these benefits would arise from any housing development, and should be directed to more sustainable locations in accordance with the settlement hierarchy of the CS and emerging LP. However, my conclusion in respect of land supply means that the Council is not currently able to demonstrate a robust 5YLS in such locations. In the circumstances I consider that considerable weight should be attached to the contribution to housing supply. The Council accepts that the full extent of identified need for affordable housing in Peterborough cannot be met through the provisions of the

existing and emerging plans, so I consider that this firm proposal should be given considerable weight in the context of the Framework.

68. The Appellant identifies other benefits which were considered to be significant. It was argued that the population structure of Barnack is aging, and the development would help to redress this imbalance. There is little evidence to show that this was causing identifiable problems for the well-being of the community. The primary school for example is graded outstanding by Ofsted and the evidence of a threat to its viability was not convincing. However I accept that in a general sense population growth of the scale proposed would support existing services and facilities, and there was no counterbalancing evidence to show that a development of 80 dwellings would put a significant strain on existing infrastructure. On balance this weighs in favour of the appeal succeeding.
69. There would also be a modest benefit from the provision of open space and play facilities insofar as they would be available for use by existing residents of Barnack, though in large measure the provision of alternative natural greenspace and landscape planting is required to mitigate impacts of the development itself, and so should be regarded as neutral. The same consideration applies to the new homes bonus, which is intended to help Council's address the needs of additional population. Finally I attach some weight to the proposed restoration of the boundary wall, though this also is a reasonable requirement and proportional to the impact of the development in the landscape, and of limited overall significance in the balance.

Other matters

Effect on Hills and Holes National Nature Reserve and Special Area of Conservation

70. A presentation was made on behalf of Barnack Parish Council by Dr Margaret Palmer, vice-chair of the PC. The Parish Council fully supports the case of Peterborough City Council on other matters but registered particular concern about potential effects on the Hills and Holes NNR, an ancient limestone quarry some 23 hectares in extent on the western edge of Barnack. As well as being an NNR and SAC, it is an SSSI and an area of open access land under the CRoW Act. It represents half the unimproved lime-stone grassland in Cambridgeshire, with 300 + wild flower species, including one of the few remaining large colonies of Pasque-flower in Britain, many other rare and endangered species and a rich insect fauna. As such its ecological importance is unquestioned.
71. The PC is concerned that the development will increase the already heavy pressures on the site, particularly from dog walking, resulting in an increase in length and consolidation of paths and adverse changes in species composition, particularly along the edges of paths. There is a risk that the deposit of faeces and urine will lead to nutrient enrichment, to the detriment of the special flora which thrives in poor soils.
72. The development scheme makes provision for the provision of 1.125 hectares of alternative natural greenspace, together with a financial contribution of £27,750 towards the management of the Hills and Holes SAC in mitigation of potential impacts. This would be secured by the executed S106 obligation. The Council undertook a Habitats Regulations Assessment which concluded that

with the mitigation proposed, the project would not adversely effect (sic) the integrity of the European site. Natural England was consulted and confirmed that 'the project, together with the full package of mitigation measures outlined in this HRA ... is not likely to have a significant effect on the Barnack Hills and Holes Special Area of Conservation, and that consequently no Appropriate Assessment is required. In our opinion, the residual impacts anticipated once mitigation measures have been applied are reduced to acceptable levels.'⁷

73. While I fully understand the concerns of the Parish Council, Natural England are the national body with responsibility for such matters and also directly responsible for the management of the site. There is no reason for me to disagree with their assessment of the effects of the proposal, and I conclude that the measures secured through the S106 obligation would effectively mitigate the potential impacts of the development.

Loss of outlook

74. A number of residents expressed concern about the loss of outlook from the rear of their properties, which currently adjoin open farm land. While I understand that they would prefer to retain the status quo, loss of private views is not a sufficient reason to withhold planning permission in the absence of harm to some wider public interest, and even then is necessary to balance any harm against any benefits. The Council did not identify effects on residential amenity as a refusal reason. The application is in outline, and matters such as privacy, noise and disturbance can be addressed by the Council in considering any reserved matters applications in the event of outline permission being granted.

Conditions and S106 obligation

75. An agreed draft list of conditions was discussed at the Inquiry. In addition to the standard reserved matters conditions, conditions requiring the submission of details of proposed highway improvements, and the construction of the access and footways to base course are necessary to secure highway safety. A travel plan is needed to maximise the use of alternative means of transport to the private car. Submission of a construction management plan is necessary to protect the environment and amenity of neighbours during construction. Foul and surface water drainage conditions are necessary to minimise the risk of flooding and pollution. Conditions requiring compliance with the submitted ecological appraisal, the erection of bird and bat boxes and the submission and approval of an ecological management plan are necessary to avoid harm to and make appropriate provision for protected species, reptiles and other features of nature conservation importance. An arboricultural method statement is necessary to ensure that important trees are protected. The approval of a landscape management plan is necessary to ensure that the development is successfully integrated into the surrounding landscape. The provision of open space within the development is necessary to mitigate potential effects on Barnack Hills and Holes SAC, and to provide for the needs of new residents. A condition specifying a proportion of dwellings are to meet Part M of the Building regulations is necessary to ensure that a proportion of the accommodation provided meets lifetime homes standards. The provision of fire hydrants is needed to secure fire safety. A condition requiring a programme of architectural work to be agreed is necessary to mitigate potential impacts on

⁷ Proof of evidence of Amanda McSherry Appendix 1.

the historic environment. A condition requiring the provision of a footpath link to Bainton Road is needed to improve connectivity. A condition requiring the restoration of the drystone wall is necessary to improve the visual appearance and historic character of the site. I consider that these are conditions are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

76. The Appellant has submitted a signed and dated S106 Obligation which would secure the provision of 30% affordable housing in the event of permission being granted. It would also secure provision within the site of informal open space and landscaping of a minimum size of 1.125 hectares of natural green space, 0.04 hectares for use as a play area, 0.125 hectares of drainage detention basis and 0.41 hectares of ecological wildlife habitat to provide alternative greenspace to mitigate potential impacts on the Hills and Holes SAC, other ecological impacts and to provide proportionately for the recreational needs of residents. A financial contribution of £27,750 towards the management of the Hills and Holes SAC would also be secured by the obligation. I consider that these provisions are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Accordingly, they comply with Regulation 122 of the CIL Regulations 2010.

The Planning Balance and Conclusions

77. I have concluded that the development would not adversely affect the significance of Barnack CA, or its setting, and accordingly I do not consider there would be any conflict with the relevant policies of the Development Plan or emerging LP. I have also concluded that there would be limited harm to the landscape setting of this side of the village. This would involve some conflict with Policy CS20 which is primarily concerned with the landscape impact of development in and adjoining settlements. However, the harm would be very localised to the immediate edge of the settlement, and the wider landscape character area of the Burghley and Walcot slopes would not be materially harmed. The Council is in a position to consider other detailed aspects of compliance with CS20 in the context of reserved matters applications for layout, landscaping and appearance. There is no reason why an acceptable design which improves the current settlement edge cannot be achieved.
78. The Council cannot currently demonstrate a robust deliverable five-year supply of housing land. Paragraphs 14 and 49 of the Framework are engaged and the Development Plan policies relevant to the supply of housing are not up to date. Little weight can be attached to the land supply policies in the emerging plan as it has yet to go to examination. Accordingly, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I do not consider that granting permission in this case would conflict with any specific policies in the Framework that indicate development should be restricted, for example the countryside and heritage policies.
79. The Council put the case that the scheme would conflict with the Council's settlement hierarchy and spatial strategy, as set out in Policies CS1, CS2 and CS8 of the CS. I accept that in seeking to direct development to the urban areas of Peterborough and protect the openness of the countryside, these

policies meet an objective of spatial planning which remains appropriate and was not contested in principle by the Appellant. I also acknowledge the importance of the plan-led system as set out in the Framework, which allows development to be directed to the most appropriate places within an area and enables landowners, developers, and the general public to have notice of the policies to be applied to achieve those objectives. However, a key consideration is that such policies should be up-to date and able to achieve the identified rates of housing delivery. Peterborough is taking active steps to ensure it has an up-to-date spatial strategy, but until the emerging plan is adopted the appeal must be determined in accordance with the Framework advice in paragraph 14. Little weight can currently be attached to Policies which constrain the supply of housing land.

80. The proposal would also conflict with SPD Policy B & P 1. While this is predominantly a design policy, the limitation to small groups and individual dwellings is not fully consistent with the approach to housing development in rural areas set out in the Framework, which the SPD predates. As a policy which is relevant to the supply of housing it too is not up to date, and I attach limited weight to it.
81. With regard to the social dimension of sustainability I attach substantial weight to the delivery of 80 dwellings, including 30% affordable housing. While the Council considers that Barnack is not an appropriate location for housing development on this scale, and that it would be more sustainable if located in accordance with the settlement hierarchy, the 5YLS evidence does not identify sufficient sites which are currently available and deliverable in such locations. The Council has identified Barnack as a potentially sustainable location for development in the emerging plan, albeit that it has not sought to make any additional allocations there. Notwithstanding the recent closure of the convenience shop, I agree that Barnack has a reasonable level of service provision, local employment and public transport connections by bus to Stamford and Peterborough. It is also within reasonable cycling distance of Stamford, where a wide range of services and facilities are available. While acknowledging that car use is likely to remain the dominant form of transport, in common with many rural areas, these alternatives provide potential residents with realistic options to minimise car use.
82. The development would also bring economic benefit, from construction and on-going maintenance, and some support for local services from increased usage and expenditure in the community. I accept that this is a more generic benefit of housing development, but some of the benefit would occur locally and is a positive factor in the balance.
83. The environmental harm identified would be as described above, and in my view would not be of such consequence that it would significantly and demonstrably outweigh the benefits of the scheme.
84. In conclusion, while I accept that the scheme would conflict with the development plan when read as a whole, the provisions of the Framework in respect of boosting housing land supply are engaged, and the proposal should be regarded as sustainable development, for the reasons given above. These are material considerations which in this case warrant a decision other than in accordance with the development plan.

85. Accordingly I conclude that the appeal should be allowed.

David Richards

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Asitha Ranatunga, of Counsel	instructed by Peterborough City Council
He called	
Jim Daley BA (Hons) MRTPI IHBC	Peterborough CC (Heritage)
Annie Millen BSc (Hons) Dip LA CMLI	Red Kite Network Ltd (Landscape and Visual Impact)
Gemma Wildman BA (Hons) Dip TP MRTPI	Peterborough CC (Sustainability and 5 year land supply)
Simon Machin Director of Planning and Regeneration	Peterborough CC (5 year land supply)
Amanda McSherry BSc (Hons) Dip TP MRTPI	Peterborough CC (Planning Balance)

FOR THE APPELLANT:

Thea Osmund-Smith, of Counsel	instructed by John Mackenzie, Gladman Developments Ltd
She called	
Laurie Handcock MA MSc IHBC	Iceni Projects Ltd (Heritage)
Gary Holliday BA (Hons) MPhil CMLI	FPCR (Landscape and Design)
Duncan Hartley BSc (Hons) MA Dip TRP MRTPI	Rural Solutions Ltd (Social and Economic Sustainability)
George Venning MA (Cantab)	Bailey Venning Associates (Affordable Housing)
Tom Baker BSc (Hons) MSc MRTPI	GVA (OAN in Peterborough)
Marc Hourigan BA (Hons) BPL MRTPI	Hourigan Connolly (5 year land supply)
John Mackenzie BSc Dip TP MRTPI	Gladman Developments Ltd (Planning Balance)

INTERESTED PERSONS:

Harry Brassey	Chair of Barnack Parish Council and resident
Dr Margaret Palmer BSc PhD	Ecologist (on behalf of Barnack Parish Council) and resident
Brian Palmer	Resident
Andrew Cavaciuti	Resident
Simon Gregory	Resident

DOCUMENTS

- 1 Appellant's Opening Statement
- 2 Historic England Statutory Advice Service and Enquiries
- 3 Historic England Conservation Area designation, Appraisal and
Management – Advice Note 1
- 4 Section 72 – Planning (Listed Buildings and Conservation Area)
Act 1990 c. 9 Part II Conservation Areas
- 5 [2014] EWHC 1895 (Admin) Forge Field Society and Sevenoaks

- District Council
- 6 P & EP Committee 06/01275/R3OUT (&.11.06) – Land to rear of 1 Linden Close
- 7 Figure 4.11 – Population Change – correction to Duncan Hartley Proof
- 8 GLVIA 3 Extract
- 9 LET Tables put in by Mr Holliday
- 10 VET Tables put in by Mr Holliday
- 11 George Venning – Response to Affordable Housing Rebuttal
- 12 Dan Simpson – Ecology Rebuttal of Submission by Dr Margaret Palmer of Barnack Parish Council
- 13 Opening Statement for Peterborough City Council
- 14 [2016]EWCA Civ 1146 Gladman Developments and Daventry District Council and SSCLG
- 15 Hourigan Connolly response to Proof of Evidence and Rebuttal Statement of Gemma Wildman
- 16 Letter dated 13.06.16 from Peterborough CC to Peter Farrer, Barnack Post Office change of use to residential – notice of planning permission
- 17 Freedom of Information Request re Education
- 18 Statement of Brian Palmer, resident
- 19 [2016] EWHC 3323 (Admin) Muller Property and SSCLG and Cheshire East Council
- 20 [2016] EWHC 2733 (Admin) Shropshire Council and SSCLG and BDW Trading Ltd
- 21 Plans of Ward and Parish Council Boundaries – Barnack
- 22 Statement of Common Ground relating to Housing Land Supply Issues
- 23 Appendix to Barnack PC’s presentation to the Inquiry
- 24 Certified Copy of S106 obligation dated 1 February 2017
- 25 Council’s Closing Submissions
- 26 Appellant’s Closing Submissions

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Schedule of conditions

- 1) Approval of details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.
- 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, landscaping, layout and scale shall be submitted in writing to the local planning authority and shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) Prior to the commencement of any development a scheme for the access and highway improvement works based upon on the principles plan GA003-001D shall be submitted to and approved by the local planning authority. The scheme shall include:
 - Widening of the carriageway of Uffington Road to at least 5m in width from the junction of 'The Acres' northwards to the southern boundary of the site.
 - Widening of the carriageway of Uffington Road to 5.5m adjacent to the proposed point of access.
 - Provision of a footway of 2m in width along the site frontage tying into the existing 2m footway to the south of the site.
 - Vehicle visibility splays of 2.4m x 91m to the south of the site and 2.4 x 79m to the north of the site.

The access and highway improvements shall be implemented in accordance the approved plans prior to the occupation of any part of the development, and thereafter maintained as such.
- 6) Prior to the occupation of the development a Travel Plan shall be submitted to and approved by the local planning authority. The Travel Plan shall include SMART targets and the provision of 'Travel Packs' including a cycle discount voucher to the value of £50 or a 1 month bus ticket to be provided for all first occupiers of each dwelling. Thereafter the development shall be carried out in accordance with these approved details.
- 7) Prior to the commencement of any development a Construction Management Plan (CMP) shall be submitted to and approved by the local planning authority. The CMP shall include:
 - A Noise and a Dust Management Plan
 - Hours of Operation
 - Proposed haul routes to the site.

- Temporary Construction Access(es).
- Parking, turning and Loading/Unloading for all construction vehicles.
- Wheel washing facilities.
- Site Compounds and welfare facilities.

Thereafter the development shall be carried out in accordance with these approved details. The CMP shall be in place throughout the period of construction.

- 8) Prior to the occupation of any dwelling the highway serving that dwelling shall be completed to base course level for the carriageway and surface course level for all footways.
- 9) The development hereby permitted shall be in accordance with the approved Drainage Strategy, FRA 14 1077 Jan 2016, and shall not commence until details of the design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - c) Flood water exceedance routes, both on and off site;
 - d) A timetable for implementation;
 - e) Site investigation and test results to confirm infiltration rates; and
 - f) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Thereafter the development shall be carried out in accordance with these approved details prior to first occupation and shall thereafter be maintained as such.

- 10) No development shall commence until a foul water strategy, including the phasing for the provision of mains foul sewage infrastructure on and off site, has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

- 11) The development hereby approved must be carried out in accordance with the submitted Ecological Appraisal October 2015. In particular the confidential sections 5.3.6. to 5.3.10, which details the protection measures required for any badgers that may be present on site.
- 12) The development hereby approved must be carried out in accordance with the submitted Ecological Appraisal October 2015. In particular section 5.6.7., which details the precautionary measures required to be undertaken in order to minimise the risk of harm to any reptiles that may be present on site, prior to construction.
- 13) Prior to the first occupation of any dwelling a scheme of bird and bat boxes including details of their location and design shall be submitted to and approved in writing by the local planning authority. This shall include a range of nesting features to cater for Swifts, House Sparrow and Starling. Any external lighting scheme proposed and secured as part of the future reserved application will need to be designed to be baffled downwards away from boundary features and open space to ensure adequate protection for foraging/commuting bats. The development shall therefore be carried out in accordance with the approved details.
- 14) As part of the landscaping reserved matters application an Ecological Management Plan or similar, shall be submitted to and approved in writing by the local planning authority for the proposed on site Wildlife Area and associated green-spaces, detailing how this area will be managed for the benefit of wildlife. This should set out details of native tree, shrub and plant species, along with planting details for the establishment of the wild-flower areas and marginal aquatic planting around the proposed balancing pond. Thereafter the development shall be carried out in accordance with these approved details and thereafter maintained as such.
- 15) As part of the reserved matters application an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.
- 16) As part of the landscaping reserved matters application a landscape management plan or similar, shall be submitted to and approved in writing by the local planning authority. The management plan shall be implemented in accordance with a timetable contained therein and as approved unless changes are first agreed in writing by the local planning authority. The Plan shall include the following details:
 - Long term design objectives
 - Management responsibilities
 - Maintenance schedules

Thereafter the development shall be carried out in accordance with these approved details and thereafter maintained as such.

- 17) As part of the reserved matters application, full details of the 1.7 hectares on site area dedicated to green infrastructure, public open space, play and ecological buffer/wildlife areas shall be submitted to and approved in writing by the local planning authority. The Natural England's accessible natural greenspace guidance should be used to

inform the design and layout of this on-site green infrastructure. In line with the Habitat Regulations Assessment the green infrastructure should include the provision of 'mock-limestone' features and sloping terrain, to ensure it would offer a sufficiently attractive alternative recreation resource to the Barnack Hills and Holes SAC, to mitigate for increased visitor pressure.

Thereafter the development shall be carried out in accordance with these approved details and thereafter maintained as such.

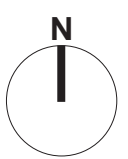
- 18) 20% of all residential units shall be constructed to meet Building Regulations Part M (Volume 1) Category 2 (the lifetime home standard), and 2% Part M (Volume 1) Category 3 (Wheelchair Housing). The plans and particulars of each relevant reserved matters application to be submitted under condition 1 shall demonstrate compliance with these standards. The residential units shall thereafter be built in accordance with the approved details and maintained as such.
- 19) Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 20) No development shall take place/commence until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the local planning authority. The Written Scheme of Investigation should, as appropriate, refer to the relevant available desk top material, including the Historic Environment Record, set out the method of evaluation (trial trenching or other method) and the monitoring/recording/watching brief on those parts of the site where the results of trial trenching dictate. All archaeological assessment work shall be carried out in accordance with the approved Written Scheme of Investigation including any post development requirements.
- 21) No development shall take place until details of the pedestrian connection from Bainton Road to the western boundary of the site across land within the blue line boundary have been submitted to and approved in writing by the local planning authority, including a timetable for its implementation. The route of the pedestrian connection will be broadly in line with that illustrated on the Development Framework Plan (drawing ref: 6947-L-02 F). Thereafter the development shall be carried out in accordance with these approved details and thereafter maintained as such.
- 22) No development shall take place until details of the works required to restore the dry-stone wall located at the western boundary of the site have been submitted to and approved in writing by the local planning authority, including a timetable for the implementation of these works. Thereafter the works shall be carried out in accordance with the approved details.

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-  Application Boundary (4.28 Ha)
-  Existing Trees
-  Proposed Residential Development (2.58 Ha)
-  Proposed Green Infrastructure (1.7 Ha) of which:
-  Proposed Accessible Natural Greenspace (Public Open Space): 1.125 Ha
-  Proposed Nature Planting (Wildlife Area): 0.41 Ha
-  Proposed Detention Basin (Indicative): 0.125 Ha
-  Proposed Play Area (LEAP): 0.04 Ha
-  Proposed Tree Planting
-  Proposed Vehicular Access
-  Proposed Pedestrian Access
-  Proposed Primary Road
-  Proposed Footpaths
-  Existing Public Right of Way
-  Existing National Cycle Route

Scale 1:2500 @ A3



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Gladman Developments Ltd
Uffington Road,
Barnack

DEVELOPMENT FRAMEWORK

1:2500@A3
15 October 2015 OFD / SLS
6947-L-02 F

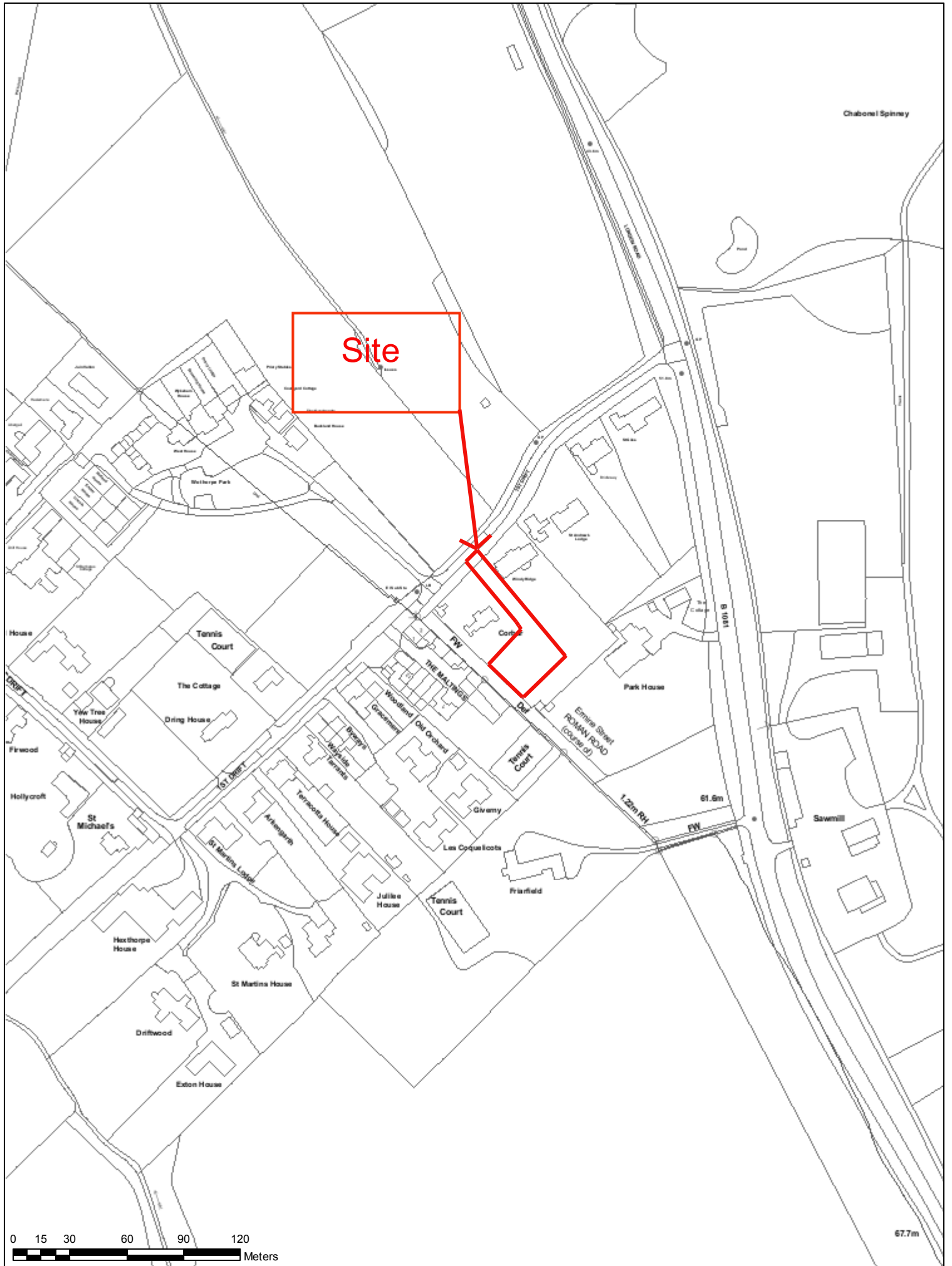


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18/00766/FUL Location Plan Corbar First Drift Wothorpe Stamford PE9 3JL

Scale 1:2,500
Print Date: 13/06/2018

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Agenda Item No. 2

Planning and EP Committee 3 July 2018

Application Ref: 18/00766/FUL

Proposal: Construction of 2-storey 4-bed dwelling with integral garage and new access

Site: Corbar, First Drift, Wothorpe, Stamford
Applicant: Mr & Mrs Tom Dykes

Agent: Ms Simon Harris
Harris McCormack Architects

Referred by: Wothorpe Parish Council

Reason: The site has a history of planning consent for subdivision

Site visit: 15.05.2018

Case officer: Mrs J MacLennan
Telephone No. 01733 454438
E-Mail: janet.maclennan@peterborough.gov.uk

Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site is approximately 0.12ha and is situated on the south eastern side of First Drift approximately 120m from the eastern entrance to Wothorpe. Wothorpe is a small village located approximately 400m south of the market town of Stamford.

The site is currently part of the garden to Corbar. Corbar is a detached two storey dwelling set on a large spacious plot with mature landscaping and trees. To the front of the site is a hedge which is protected under policy PP17 of the Planning Policies DPD. There is an existing vehicular access to the west of the site off First Drift which leads to a garage.

The pattern of development within the village is predominantly linear however the village has been subject to a number of infill and backland development over recent years. Directly to the north east of the site is a detached dwelling 'Windy Ridge' to the south east is part of the garden to Windy Ridge beyond which is the garden to Park House which fronts London Road. To the south west is a grassed strip of land which was formerly the Roman Road - Ermine Street which separates the site from the Maltings to the west.

There is an extant consent for a bungalow to be located to the east of the existing dwelling originally approved in 1990 (ref. 90/P1116) with subsequent renewals.

Proposal

The application seeks approval for the erection of a one and a half storey detached 4 bed dwelling with integral double garage to be located at the far rear of the site. A new access would be created off First Drift.

This is a revised application following refusal of application ref. 17/02168/FUL. The former application is currently the subject of an appeal.

2 Planning History

Reference	Proposal	Decision	Date
P0132/85	Erection of a dwelling	Permitted	11/04/1985
90/P1116	Erection of one bungalow	Permitted	28/02/1991
90/P0246	Erection of a dwelling	Permitted	26/04/1990
95/P0904	Renewal of planning permission 90/P1116 for erection of one bungalow	Permitted	24/01/1996
00/01358/FUL	Renewal of planning permission 95/P0904 for erection of one bungalow.	Permitted	29/12/2000
02/01724/FUL	Erection of detached garage	Permitted	05/02/2003
05/01775/FUL	Renewal of planning permission 00/01358/FUL for erection of bungalow	Permitted	31/03/2006
09/00316/DISCHG	Renewal of planning permission 00/01358/FUL for erection of bungalow - discharge of conditions C2, C3, C4, C5, C6, C7, C8, C9, C10 and C11 of planning permission 05/01775/FUL	Determined	09/06/2009
17/02168/FUL	Construction of 2 storey 4 bed dwelling with integral garage and new access	Refused	01/03/2018

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Section 6 - Backland Development

Inappropriate development of residential gardens where harm would be caused to the local area should be resisted.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

Peterborough Site Allocations DPD (2012)

SA19 - Special Character Areas

To preserve the character of Wothorpe, Thorpe Road and Ashton proposals will be assessed against specific criteria in respect of garden sub-division, extensions and alterations, design including site analysis and trees. Proposals for Wothorpe will also be considered against an additional criterion in respect of landscape character.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

Peterborough Design and Development in Selected Villages SPD 2011

Wothorpe Policy VDS6 – Building lines – Development should relate to adjacent properties. Attention should be given to the relationship of the new building to views and vistas.

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018 who will appoint a Planning Inspector to examine the Local Plan to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP02 - The Settle Hierarchy and the Countryside

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

LP09 - Custom Build, Self-Build and Prestige Homes

a) Permission will not be granted for development involving the loss of prestigious, top-of-the market housing unless there is clear evidence of appropriate marketing or new prestigious homes would be created, the dwelling has been realistically marketed and does not contribute to the historic environment.

b) Proposals for residential development will be considered more favourably if they provide appropriate opportunities for custom build and self build.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP20 - Special Character Areas

To preserve the character of Wothorpe, Thorpe Road and Ashton proposals will be assessed against specific criteria in respect of garden sub-division, extensions and alterations, design including site analysis and trees. Proposals for Wothorpe will also be considered against an additional criterion in respect of landscape character.

4 Consultations/Representations

PCC Conservation Officer – Objection. The proposal is contrary to policy SA19 relating to designated Special Character Areas, that the site falls within. It would be fair to say that little of First Drift now retains what could be considered a 'special character' due to past infill and backland development. However, the section of First Drift that does still retain a positive character is that of the immediate area surrounding Corbar, where such intensive development has not yet become apparent.

The immediate setting is that of a semi-rural location with views over open countryside towards Stamford to the north and mature rear gardens of the houses to the south east side of the Drift. The verdant site currently makes a positive contribution to the character and appearance of the designated Special Character Area of Wothorpe. The character of wide verge, shrubs, hedges and low key informal vehicular access are all positive factors here.

The width of the plot gives rather open views beyond the house towards the mature garden to the rear, enhancing the feeling of the aforementioned semi-rural setting which the property benefits from, both front and rear. This setting is something that has unfortunately been lost further into First Drift.

The proposed dwelling will create an additional access, resulting in the loss of verge, trees and hedges, and will result in prominent views of an awkwardly positioned and large two storey dwelling, located on higher ground, in the backdrop of the host dwelling. Fencing to separate the proposed driveway from Corbar will run most of the depth of the site, returning at right angles across the rear of Corbar, all of which is located on higher land and will be visible from First Drift.

Despite the above, the extant permission for a bungalow to the left hand side of Corbar and the potential impact this could have needs to be taken in to account.

It is considered that the proposed development would be unsympathetic to the immediate character of the area and diminish the special low density character and appearance of this part of Wothorpe.

Archaeological Officer – No objection. The proposed development abuts the course of the Roman Ermine Street (London-York), an asset of national importance. Although presently unknown, remains of the road may survive within the proposed development area. Evidence of former routes may also survive, as Ermine Street appears to have been subjected to the re-organisation of the road system in the aftermath of the Roman Conquest, as in the Castor Durobrivae (Waternewton) area. Although the proposed development is relatively small in size, an evaluation by trial trenching targeted on the areas of ground disturbance is recommended.

PCC Peterborough Highways Services – No objection. The proposals shall not impact upon the nearest publicly maintained highway which is Kettering Road. The LHA would recommend that adequate parking and turning facilities are provided within the area edged in red.

PCC Wildlife Officer – No objection. The proposed development is located in close proximity to Burghley Park County Wildlife Site, however this proposal is unlikely to have an impact upon the features for which this site has been designated a County Wildlife Site.

The proposal involves the removal of trees which may support nesting birds it is therefore recommended that a standard bird nesting Informative be attached should the scheme be approved.

To mitigate for the loss of potential nesting habitat, it is recommended that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

The landscaping details set out in the Proposed Block Plan appear broadly acceptable in terms of landscaping.

Subject to the recommendations being fully incorporated into the approved scheme the development would result in no net loss to biodiversity.

PCC Tree Officer – No objection. The site is outside of a Conservation Area and adjacent TPOs will remain unaffected by the proposal. Supporting the application is a tree survey by Hill-Fort Tree Care, the proposed layout plan and the DAS. Together the information provides a good picture of the proposal. This includes the removal of three cat B trees - although their removal is justified on the basis that there will be no loss of amenity. I agree with the information that has been submitted and the overall impact is likely to be low. There is no arboricultural objection to the proposal. There will be tree loss but this can be mitigated for and has been outlined on the proposed layout plan which is acceptable. This new planting needs to be firmed up in terms of size although this information can be secured by the way of a simple landscaping condition. In terms of tree protection only the trees in the garden of Corbar may need protection from unintentional damage. Therefore a suitable condition is recommended.

PCC Rights of Way Officer – No objection. No public right of way concerns with the application.

St Martin's Without Parish Council - No comments received

Wothorpe Parish Council – Recommends approval. Our understanding of the history of planning applications on this site is as follows: 1990 Ref: 95/P0904 Detached bungalow Permitted, 29/12/2000 Ref: 00/01358/FUL Renewal of above Permitted, 31/03/2006 Ref: 05/01775/FUL Renewal Permitted, 09/06/2009, Ref: 09/00316/DISCHG – Discharge of conditions.

We were therefore surprised to learn that Ref: 17/02168/FUL was refused. In particular, we do not understand reason R1 in your letter of 1 st March which talks about subdivision of the plot when it is already determined that the plot may be subdivided. Further to that we much prefer the new scheme with the dwelling being to the rear rather than the side of the existing property where it will have much less of an impact on the street scene.

Once again, we wish to repeat that we have no objections to this development and would wish to have its determination considered by the planning committee

Local Residents/Interested Parties

Initial consultations: 6
Total number of responses: 0
Total number of objections: 0
Total number in support: 0

No neighbour representations have been received regarding the application.

5 Assessment of the planning issues

a) Background

There is an extant consent for a bungalow which would be positioned between Corbar and the property to the north east – 'Windy Ridge'. Prior to validating the former application (ref. 17/02168/FUL) confirmation was sought from the applicant regarding the need for an undertaking and that the applicant would engage a solicitor to progress a legal agreement to prevent the applicant building both the bungalow and the proposed dwelling should the recommendation be one of approval.

The supporting information confirms that the proposal, if approved, would relinquish a full planning consent for a bungalow to the side of Corbar that was started as a build in 2009 but has never been completed.

It should be noted, therefore, that if Members of the Planning Committee resolve to approve the application then a legal agreement would need to be completed prior to the issue of consent. This procedure has not been commenced due to the Officer recommendation being one of refusal.

This is a re-submission following refusal of a former scheme (ref. 17/02168/FUL). The former application was refused for the following reasons:

- R 1 The application site is located close to the entrance of the village of Wothorpe and contains an attractive dwelling, set on a large plot with dense landscaping particularly to the rear. The verdant site makes a positive contribution to the character and appearance of the designated Special Character Area of Wothorpe. The proposal would result in the subdivision of the plot and the erection of a new dwelling to the rear. The backland development would be detrimental to the pattern of development in this part of Wothorpe which has so far avoided backland development and would diminish the

special low density character and appearance of this part of Wothorpe. The proposal is therefore contrary to policy SA19 of the Adopted Peterborough Site Allocations DPD, Policy CS20 of the Adopted Peterborough Core Strategy DPD, section 6 of the National Planning Policy Framework and to the advice within the Design and Development in Selected Villages SPD.

- R 2 The proposed dwelling would be positioned within 2m of the shared boundary to the south east of the site and there are windows at first floor level serving habitable accommodation. The windows have the potential to overlook the neighbouring land and therefore the proposal is contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

This application has removed the windows within the rear roof slope of the dwelling and has therefore addressed the second reason for refusal 'R2'.

b) The Principle of Development

The principle of residential development within the settlement boundary is supported under policies CS1 and CS2 of the Adopted Peterborough Core Strategy DPD. The village is a relatively sustainable location, being close to services and facilities in the nearby town of Stamford. However the proposal is also assessed against other relevant planning policies and material considerations.

Wothorpe is one of three locally specific Special Character Areas (SCA) in the Peterborough area which have been designated to acknowledge their strong landscape character, architectural quality and development patterns that together provide high environmental quality. All SCAs are marked by their low-density and generally by large dwellings set within spacious grounds. Policy SA19 of the Adopted Peterborough Site Allocations DPD sets out specific criteria for assessing proposals for development in SCAs. The first of these criteria, states that there should be no subdivision of gardens if this adversely affects the character of the area.

With regards to Wothorpe policy SA19 states:

- All development proposals must ensure that the mature landscape character is maintained through the retention of existing trees, boundary hedges, walls and grass verges. Existing space around buildings should be maintained to preserve large trees.
- Proposals for whole or part demolition of any building or to intensify the use of plots in a way that adversely affects the current integrity of the area will not be supported.
- There will be a presumption against increased access and hard-standings, except where it can be shown to be necessary, and does not dominate the site or harm existing landscaping.
- Existing frontage hedging must be retained. Where this is absent, evergreen hedging species should be used. A combination of hedging and walls may be considered where the hedging predominates.

This policy has gone forward in the Submission version of the new Local Plan – Policy LP20 which also states that:

- In all cases, regard must be had to the Design and Development in Selected Villages SPD.

The proposal would also result in a backland development and under Section 6 of the National Planning Policy Framework (NPPF) it is advised that this form of development should not be supported it would cause harm.

It is accepted that a lot of the village has in the past undergone significant development. Wothorpe was once characterised by developments of large properties set within large plots. However more recently there has been 'infill' and 'backland' development and many of the original dwellings have been demolished and the land subdivided into several plots accommodating large dwellings with disproportionate sized gardens. As a result of such development for much of the village there is

limited remaining 'special character'.

The application site is close to the entrance of the village and unlike development further along First Drift, this area has not undergone intensive development. Corbar has a spacious residential curtilage and is host to a large detached dwelling of positive character. The immediate setting is that of a semi-rural location with views over open countryside towards Stamford to the north and mature rear gardens of the houses to the south east side of the Drift.

It is the Conservation Officer's view that the verdant site currently makes a positive contribution to the character and appearance of the designated Special Character Area of Wothorpe. The character of wide verge, shrubs, hedges and low key informal vehicular access are all positive factors. The width of the plot gives rather open views beyond the house towards the mature garden to the rear, enhancing the feeling of the aforementioned semi-rural setting which the property benefits from, both front and rear. This setting is a remnant of something that has unfortunately been lost further into First Drift.

Furthermore, the additional access would result in the loss of trees and hedges, and as the proposed dwelling would be on higher land than that of the existing dwelling, and despite the chalet style of the dwelling, there would be prominent views of the awkwardly positioned and what would appear as a two storey dwelling and associated boundary treatments, in the backdrop of the host dwelling. The views of the verdant backdrop from First Drift which would be lost and the prominent dwelling would not be in keeping with the low density character and appearance of this part of the settlement.

It is accepted that the protected hedge to the front of the site would be opened up which would open up views into the site however, as stated above there is an extant consent and access would be opened up by implementing this scheme.

It is considered that the proposed 'backland' development would be detrimental to the pattern of development in this part of Wothorpe which has so far avoided backland development and would diminish the special low density character and appearance of this part of Wothorpe.

The supporting information refutes the case officer's reason for refusal of the former scheme based on the development not sitting comfortably within the pattern of existing 'backland' development in the immediate vicinity. *'The argument put forward above, that the current proposal does not fall comfortably within the pattern of pre-existing backland development in the immediate vicinity is spurious, effectively defining "acceptable" backland development as arbitrarily ending just short of the site in question, at the Maltings development next door.'*

There is no definitive boundary point to determine what development is acceptable and what isn't. The backland development neighbouring the site at the 'Maltings' was approved in the 1980s and many of the backland developments further along First Drift were approved at a time where there was no policy guidance for the village of Wothorpe and indeed in many cases the Government Policy Guidance at the time was 'high density' development and 'efficient use of land'. It was the lack of protection afforded to Wothorpe and that prompted the need for planning policy SA19; as whilst the village did not have the qualities that would justify Conservation Area status it did have qualities that were worthy of protection.

It is considered that in this case, where there are no examples of backland development from the entrance to the village, policy SA19 is of particular relevance as this area characterises the special qualities of this part of the village. The policy is not so easily applied when proposals are submitted for new development where the site is surrounded by examples of 'backland' and 'infill' development, however this is not the case here.

In addition, whilst each application is judged on its merits it is considered that the proposal, if approved, would set an undesirable precedent for other similar proposals for further backland development in the immediate area with the result that the character of this part of the village and its assimilation with the semi-rural location being progressively eroded.

The supporting statement refers to the extant consent for a bungalow between the host dwelling and Windy Ridge and that the principle of the subdivision is already established for the site. It is considered that whilst the bungalow has no architectural merit it would be infill development and its position would be more in keeping with the linear form of development along this part of Wothorpe. As stated above the approval of the bungalow was approved many years ago and at a time where there was no special protection for the village; it is unlikely that were the scheme to be under consideration today it would not be supported by Officers of the Local Planning Authority.

It is considered that the backland development would be detrimental to the pattern of development in this part of Wothorpe which has so far avoided backland development and would diminish the special low density character and appearance of this part of Wothorpe. The Wothorpe policy VDS6 within the Design and Development in Selected Villages SPD states inter alia, that '*attention should be given to the relationship of the new buildings to views and vistas*' and this is appropriate here.

The proposal is therefore contrary to policy SA19 of the Adopted Peterborough Site Allocations DPD, Policy CS20 of the Adopted Peterborough Core Strategy DPD, section 6 of the National Planning Policy Framework and to the advice within the Design and Development in Selected Villages SPD.

c) Neighbouring Amenity

The dwelling would be positioned to the far rear of the site within 1.5m - 2.6m of the shared boundary to the south east. The neighbour's land to the north east of the site 'Windy Ridge' wraps around the application site to the rear. The former scheme proposed windows within the rear roof slope. These windows would have been the only window serving two bedrooms. While it is accepted that this land to the rear is not the neighbours' immediate private amenity space, the proximity of the dwelling and first floor windows would have resulted in overlooking to the neighbouring land which is not acceptable.

The revised scheme has removed first floor windows within the rear roof slope and high level roof lights are now proposed within the rear roof slope. The rooflights would be above 1.7m of the floor level of the room in which they serve. This is considered to be a height which be above eye level and would avoid direct views from the window. It is proposed therefore that the rooflights would be openable and clear glazed and it is considered that this would be acceptable. In the event that this application is approved it is reasonable to append a condition to remove permitted development rights to avoid any additional windows to be inserted in to the rear roof slope.

The dwelling would be positioned on higher land to the host dwelling at Corbar, however there would be some 30m separation between the host dwelling and the core element of the proposed dwelling. This is with the exception of a forward projecting element of the proposed dwelling which would serve a bathroom, the separation distance is reduced to 23m, however this is still considered an acceptable distance and therefore the proposal would not result in overlooking between the existing and proposed dwelling.

The dwelling would be positioned 1.7m from the shared boundary to the north west 'Windy Ridge' and would lie adjacent to the rear garden of this neighbouring property. Whilst there would be some overshadowing caused by the proposed dwelling to the neighbouring garden, this is not considered to be unacceptable.

There are no windows serving the first floor of the side elevation to the dwelling and therefore there would be no overlooking to the occupiers of 'Windy Ridge'.

The dwelling would be positioned 12m from the south west boundary of the site, beyond which is the grassed public right of way (former Ermine Street) which separates the site from the Maltings to the west. It is therefore not considered that the dwelling would have any adverse impact on the neighbouring development to the south west.

The revised scheme has addressed refusal reason 2 of the former scheme and the proposal would accord with policy PP3 of the Adopted Peterborough Planning Policies DPD and policy CS16 of the Adopted Peterborough Core Strategy DPD.

d) Residential Amenity

The proposal would provide a good level of amenity for the future occupiers in terms of layout and available natural lighting, private amenity space and parking. A bin collection point would need to be provided along the access drive as the dwelling would be too far from the road for operatives to collect from the dwelling. These could be secured by condition.

It is considered that the development would provide a good level of amenity for the future occupiers of the development and hence the proposal accords with policy PP4 of the Adopted Peterborough Planning Policies DPD.

e) Design Amenity

The dwelling would have a ridge height of 7.3m with an eaves line of 2.5m and would have a footprint of approximately 191m² with integral garage.

The building would be construction in blue brick to plinth level with white rendered walls under blue fibrous slate roof. The windows would be grey aluminium.

The building design incorporates significant areas of glazing for example at the entrance to the dwelling and multi storey glazed area within the south west elevation.

It is proposed that a boundary wall would be erected between the two properties which would return along part of the access when it would be replaced by a 1.8m high fence lowering to a 1.2m high fence at the point where it reaches the front of Corbar.

The Design and Access Statement refers to the '*vast array of types, scale, siting, materials and design all to the specific taste of the plot owners in fashionable styles. With bungalows next to two storeys, mansard roofs opposite formal hips, render adjacent brick and timber boarding, high level boundary walls with setback buildings next to hedged boundaries and roadside buildings.*'

It is considered that Wothorpe does not have a specific building style that can define its character, rather in terms of design and style individual developments are unique and the settlement comprises an eclectic mix of development styles. Therefore there is no objection to the proposed design per se; and as stated in the above section it is the principle of the development which is not supported.

f) Landscaping

As stated above the site contains a number of mature trees and shrubs. A tree survey supports the application. The proposed would require the removal of 3 cat B trees. The Tree Officer's view is that their removal is justified on the basis that there will be no loss of public amenity and the impact would be low. Mitigation could be provided by an appropriate landscaping scheme in accordance with policy PP16 of the Adopted Peterborough Planning Policies DPD.

Notwithstanding the fact that the trees are not worthy of protection due to their lack of public amenity value the position of the dwelling would result in the loss of views of the verdant backdrop as discussed above.

g) Ecology

The proposed development is located in close proximity to Burghley Park County Wildlife Site, however it is the Wildlife Officer's view that the proposal is unlikely to have an impact upon the features for which this site has been designated a County Wildlife Site.

The proposal includes the removal of trees which may support nesting birds and therefore if the recommendation is to approve the scheme a bird nesting informative would be appended to advise that no trees should be removed during the bird nesting season unless a survey is undertaken to ensure there are no nesting birds present.

To mitigate for the loss of potential nesting habitat, it would also be reasonable to provide a range of bird nesting boxes to cater for a range of different species.

It is not considered that the proposal would result in any adverse implications for the biodiversity of the site in accordance with policy PP16 of the Adopted Peterborough Planning Policies DPD.

h) Highway Implications

The proposal would provide an independent access from First Drift which is an un-adopted road. The access would be a minimum of 3.7m in width with wider sections allowing two vehicles to pass. The proposals shall not impact upon the nearest publicly maintained highway and therefore the Local Highways Authority raises no objections to the scheme.

4 parking spaces would be available within the site; two within the garage and two parking spaces. There would also be space for vehicles to turn within the site. The LHA has recommended that these spaces are retained.

It is considered that the proposal would not result in any adverse highway implications and would accord with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

i) Archaeology

The proposed development site is located in close proximity to the line of the Roman road known as Ermine Street. Although unscheduled, this road is regarded as a monument of national importance by Historic England. Remains of the road make-ups/*agger* and/or associated side ditches may survive within the proposed development site. If present, remains are expected to survive in good conditions of preservation. In accordance with policy CS17 of the Adopted Peterborough Core Strategy should the recommendation be to approve the scheme it is recommended that an evaluation by trial trenching be undertaken which could be secured by condition.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

- R1 The application site is located close to the entrance of the village of Wothorpe and contains an attractive dwelling, set on a large plot with dense landscaping particularly to the rear. The verdant site makes a positive contribution to the character and appearance of the designated Special Character Area of Wothorpe. The proposal would result in the subdivision of the plot and the erection of a new dwelling to the rear. The backland development would be detrimental to the pattern of development in this part of Wothorpe which has so far avoided backland development and would diminish the special low density character and appearance of this part of Wothorpe. The proposal is therefore contrary to policy SA19 of the Adopted Peterborough Site Allocations DPD,

Policy CS20 of the Adopted Peterborough Core Strategy DPD, section 6 of the National Planning Policy Framework and to the advice within the Design and Development in Selected Villages SPD.

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM 8
3 JULY 2018	PUBLIC REPORT

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer:	Nick Harding (Head of Planning)	Tel. 07920 160161

REVIEW OF THE PERFORMANCE OF THE SHARED PLANNING SERVICE WITH FENLAND DISTRICT COUNCIL

RECOMMENDATIONS	
FROM : Director of Growth and Regeneration	Deadline date : June May 2018
That Committee notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

Under the terms of the shared service arrangement there is the requirement to periodically review its performance and operation. Such a review can be undertaken (in accordance with the constitution) by either the Growth Environment & Resources Scrutiny Committee or the Planning & Environmental Protection Committee (PEPC). This report is therefore presented under the terms of the Council's constitution Part 3, Delegations Section 2 para 2.6.1.6.

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	n/a
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3.0 Background

3.1 In October 2015 ,Peterborough City Council, under a Cabinet Member Decision Notice, agreed to join a Shared Planning Service arrangement with Fenland District Council. The proposal was built on the following key aims:

- To deliver efficiencies for both authorities.
- To support the ambitious growth agenda of both Councils.
- To maintain service delivery standards, and to improve them where possible and appropriate.

- To maintain individual ‘sovereignty’ for both Councils over planning delivery; with no perception of a ‘take over’ in such a sensitive service area.
 - To ensure visibility to Members and customers of key staff.
 - To be scalable – a trading model to deliver services to other Councils in the country that makes the partnership a ‘fee earner’ and treats the service as a business.
 - To provide fairness of opportunities for staff in both authorities.
 - To maintain individual Council Planning Committees.
 - To ensure that the end users of the planning service see only an improvement in service delivery (i.e. not a reduction).
- 3.2 The Shared Service was identified as having a target income / income generation of £175,000 for Peterborough City Council. This has been achieved.
- 3.3 For democratic oversight of the partnership, it was also agreed that the respective Portfolio Holders will meet quarterly with the two Lead Officers (for FDC, the Corporate Director responsible for planning) and the Shared Head of Planning to monitor performance and service delivery, oversight of the financial and savings delivery and directing the trading opportunities of the partnership. This group is the Shared Planning Board.
- 3.4 The shared service formally went live on 1st January 2016. Under the terms of the shared service, the Shared Service Board has met each quarter to consider performance and key operational matters. In addition, the terms require that yearly the performance of the shared service is reported to the respective authorities.
- 3.5 The rest of this report sets out the key milestones, achievements and performance of the shared service arrangement and what plans are in place for the future.

4.0 Scope of the Shared Service

- 4.1 The shared service arrangement comprises of the following:
- Sharing a single Head of Planning between both Councils
 - Sharing a Technical Support Manager between both Councils
 - The ability to buy and sell services between the two Councils
- 4.2 In respect of the latter, the following has taken place to date:
- Fenland has sold to PCC planning policy officer time
 - Peterborough has sold to Fenland: planning policy / neighbourhood planning officer time, development management officer time, technical support officer time, ecology officer time, Section 106 Management & development viability officer time.
- 4.3 It should be noted that each Council has their own:
- Development management teams

- Enforcement / compliance teams
- Technical support teams

4.4 Based in their respective Council offices i.e. there is no co-location and officers do not have both Fenland cases and Peterborough cases to deal with at the same time.

5.0 Development Management Performance

5.1 Speed of Validation

Table 1 - % of validation checks completed in 5 working days

FDC				PCC			
2014/5	2015/6	2016/7	2017/18	2014/5	2015/6	2016/7	2017/18
73%	73%	65%	83%	94%	83%	59%	45%

2017/18 saw a significant increase in performance at FDC which was mainly as a result of fewer days being lost to IT outages. At PCC, performance has continued to be weaker than desirable and this has been a result of difficulties in recruiting to the vacant posts. The job role was subject to re-evaluation and the vacancies were re-advertised. There is now a full complement of staff and performance is much improved over the average for the year.

5.2 Pre-applications

Table 2 - Response rate (within target) to pre-application enquiries

	FDC – 15 day min/oth target, 30 day target for majors		PCC – 30 day target	
	2016/17	2017/18	2016/17	2017/18
No of pre-application enquires	171	189	144	182
% responded to within target	75%	57%	90%	81%

The pre application service at FDC is more popular than that at PCC (proportionally given the levels of applications submitted to each authority) and the reason for this unable to be identified. The response times at FDC have been weaker than desirable and work needs to be undertaken to performance manage these more effectively. Notwithstanding this, priority has to be given the processing of planning applications.

5.3 Number of Planning Applications Submitted

Both Authorities have seen as a general trend a gradual increase in the number of applications being submitted which must be seen against an increase in the types of development that can take place without the need for planning permission. This demonstrates continued economic confidence in the area. Slightly fewer applications were

received in Fenland in 2017/18 compared to 2016/17 but the fall is modest. It should be noted that although FDC received slightly fewer applications the value was greater, partly as a result in the 20% increase in planning fees being introduced by Government in January 2018.

In 2017, a Planning Inspector ruled at Appeal that Fenland Council no longer had a 5 year land supply. The implications of this meant that when considering planning applications not all of the planning policies within the Local Plan could be given the weight they were given previously. It is pleasing to report, as Members are aware through the circulation of an all Member Briefing note, that the Council has regained its 5 year land supply and all Local Plan policies are now active.

Table 3 - Planning applications

No of Applications Received	FDC	PCC
2014-15	1256	2145
2015-16	1338	2300
2016/17	1400	2427
2017/18	1372	2470

5.4 Planning Fee Income

In real terms the planning application fee income at PCC has fallen slightly if the 20 % increase in fee charges introduced at the beginning of the year is discounted. Even taking into account the fee increase, the fee income at FDC has increased. It continues to be challenging to produce accurate forecasts regarding fee income and new development proposals coming forward as the market is generally reserved about sharing its activity plans and when they do they cannot always be relied upon. However it can be reported that Planning fee income at FDC for April 2018 was £137,000 - £100k higher than April 2017 with 8 Major Applications received.

Table 4 - Planning Fee Income

	FDC				PCC			
	2014/15	2015/16	2016/17	2017/18	2014	2015	2016/17	2017/18
Planning Application Income	£0.755	£0.743	£0.702	£0.806	£0.944m	£1.154m	£1.348m	£1.348m tbc
Pre-app Fee Income	n/a	n/a	£44k	£57k	£57k	£93.2k	£66k	£53k tbc

The pre-application service at FDC has proved to be exceptionally popular, more so than at PCC and the income at the former has outstripped the latter. The fee rates for the preapplication service are the same for both Councils and these are going to increase as a consequence of the national increase in planning fee rates.

5.5 Speed of Decision Making on Applications

Both Councils have maintained consistently good performance over the last 4 years. The Government targets for performance are being comfortably exceeded and neither authority is close to designation for weak performance.

Table 5 – Speed of Planning Applications Decision Making

Performance Measure	FDC				PCC			
	2014/15	2015/16	2016/17	2017/18	2014/15	2015/16	2016/17	2017/18
Major Applications decided in 13 weeks (or within extension of time agreement)	89%	91%	90%	97%	86%	96%	98%	95%
Minor applications decided in 8 weeks (or within extension of time agreement)	85%	85%	86%	93%	84%	90%	93%	97%
Other applications decided in 8 weeks (or within extension of time agreement)	93%	96%	97%	98%	92%)	93%)	96%	96%

5.6 Planning Appeals

Appeals performance has fluctuated over the last 3 years at both authorities. However, the number of appeals is modest and so consequently each appeal decision accounts for a significant percentage. Both Councils easily exceed new national performance standards so it can be said with confidence that the quality of decision making at each authority is good.

Table 6 - Appeals Performance

	FDC				PCC			
	2014/15	2015/16	2016/17	2017/18	2014/15	2015/16	2017/18	2017/18
% Appeals Dismissed	88%	74%	70%	64%	70%	48%	82%	73%
No of allowed appeals that were committee over turns (total number of allowed appeals in brackets)	1 (2)	0 (5)	1 (6)	1(5)	2 (12)	4 (11)	0 (3)	0 (0)
Award of costs against LPA	0	2	2	1	0	0	1	0

5.7 Planning Compliance

Table 7 - Planning Compliance Activity

	FDC				PCC			
	2014/15	2015/16	2016/17	2017/18	2014/15	2015/16	2016/17	2017/18
No of Service Requests	336	289	363	330	530	505	619	511
No of cases closed	291	369	357	359	590	552	575	501

The number of service requests at FDC fell slightly compared to the previous year and case closer rates remained at a consistent level. Similarly the number of requests at PCC fell (but by a much larger amount) but there was a significant dip in case closure rates. This has been as a consequence of long term sickness in the team.

6.0 **Budget Savings**

6.1 As part of the shared service proposals it was a key objective for the Councils to make financial savings. The targeted savings have been successfully achieved as planned through:

- The sharing of the cost of the Head of Planning and the Technical Team Manager
- A restructure of the service at Fenland District Council which was implemented prior to the start of the shared service.

6.2 Due to a number of staffing changes during the year and the difficulty in recruiting to posts, Fenland have continued to employ agency staff to assist in providing the service. Peterborough have also had to employ agency staff to cover for the increase in applications over the last two years and also long term sickness in the planning compliance team. At FDC this reliance is diminishing as there has been successful recruitment of staff across Planning and Enforcement. At PCC, following a recent restructure the recruitment process is about to commence.

7.0 **The Future of the Shared Planning Service**

7.1 Over the next 12 months the Head of Planning will continue to ensure that the planning teams in both councils continue to improve and meet the performance indicators set out within in each organisation.

7.2 The project to develop a co-location arrangement for the two technical teams has drawn to a close as a result of corporate ICT decisions at Peterborough which mean that a technical solution was not possible. In addition Peterborough has its agile working agenda and Fenland has had its accommodation review. Notwithstanding, it would be worth revisiting the project in the future

7.3 The Shared Planning Board will also continue to look for further trading and income generation opportunities to support each Councils financial challenges particularly in the area of planning performance agreements

7.4 FDC has committed to undertaking a Planning Advisory Service (PAS) Review of its part of the service and this will commence in July. It is not considered necessary to have a sister review at PCC.

8.0 Conclusion

8.1 The shared service has operated successfully in terms of:

- Performance against key indicators
- The delivery of targeted savings
- The trading of services between the two authorities
- Improving the resilience of each authority's planning teams

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