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# Report to Peterborough City Council

by **C A Newmarch BA(Hons) MRICS MRTPI**

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

Date: 10<sup>th</sup> November 2014

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE  
PETERBOROUGH CITY CENTRE DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 1 April 2014

Examination hearings held on 22, 23 and 24 July 2014

File Ref: PINS/J0540/429/7

## **Abbreviations Used in this Report**

AA	Appropriate Assessment
CCP	City Centre Development Plan Document
CD	Core Document
CS	Core Strategy
DtC	Duty to Co-operate
DPD	Development Plan Document
LDS	Local Development Scheme
LTP	Local Transport Plan
MM	Main Modification
NPPF	National Planning Policy Framework
PPP	Peterborough Planning Policies
PSA	Peterborough Site Allocations
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPD	Supplementary Planning Document

## **Non-Technical Summary**

This report concludes that the Peterborough City Centre Development Plan Document (CCP) provides an appropriate basis for the planning of the City Centre of Peterborough, providing a number of modifications are made to the plan. Peterborough City Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council, and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Buildings and places which are important for their heritage value, nature conservation or sense of place will be conserved and enhanced;
- Specific requirements to protect views of the cathedral are included in area policies, and early engagement with the Council is encouraged for proposals potentially affecting views of the cathedral;
- The development brief for Wheel Yard is to include consideration of height, scale and the setting of the cathedral;
- A site within the Riverside South Policy Area is recognised as a registered community asset;
- The reconnection of surface water to the combined sewer system will only be permitted if it is demonstrably the only practical solution;
- Within the City Core Policy Area and the Railway Station Policy Area particular scrutiny will be given to the sustainability of drainage and flood risk;
- A development brief or Supplementary Planning Document will be provided for the Northminster Opportunity Area; and
- The Supplementary Planning Document for the Hospital Opportunity Area will apply to development proposals unless it has been superseded by a subsequent local plan policy or national policy.

None of the above changes alters the thrust of the Council's overall strategy for improvements, growth and regeneration in Peterborough City Centre.

## Introduction

1. This report contains my assessment of the CCP in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It considers whether the Plan is sound and whether it is compliant with the legal requirements.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submission version of the plan (dated April 2014), Core Document (CD) CD001a. This contains two minor changes compared to the version of the document published for consultation in January 2014 (CD012). The changes are set out in CD010, 'Changes made between Proposed Submission and Submission Version.' They do not materially alter the policies, proposals or thrust of the plan.
3. My report deals with the main modifications (MM) needed to make the CCP sound and legally compliant. They are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters which make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The MMs which are necessary for soundness all relate to matters which were discussed at the Examination hearing sessions. Following these discussions, the Council prepared a schedule of proposed main modifications (CD1119), and this schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.
5. The Council's Sustainability Appraisal (SA) (CD002) shows that the policies and development sites contained in the CCP will bring significant benefits to the city centre. Since the modifications do not affect the overall strategy of the CCP, but are generally concerned with its effectiveness and the justification of its policies, I agree with the Council that further SA is not necessary.

## Assessment of Duty to Co-operate (DtC)

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
7. The submitted DtC Statement (CD011) explains that the boundary of the plan area lies at the centre of the Council's administrative area, and does not adjoin any other local planning authority area. Overall matters of strategy have been decided through the Peterborough Core Strategy (CS) Development Plan Document (DPD), 2011. The Council contends that the CCP does not contain any strategic matter as defined in subsection (4) of section 33A of the 2004 Act. It consulted the neighbouring planning authorities, county councils and prescribed bodies at the Consultation Draft stage of the preparation of the CCP

on this matter. None of these bodies assert that the plan addresses strategic matters for which joint working would have been necessary.

8. Furthermore, no representations were made to the submission version of the CCP indicating that any matters should have been the subject of joint working, and I am satisfied that the DtC has been satisfied.

## **Assessment of Soundness**

9. The CCP sets out the Council's long-term vision and objectives for the city centre, together with policies and proposals which will help to direct how new development and regeneration will be achieved. It has been prepared within the context of the CS and the Peterborough Planning Policies (PPP) DPD, 2012, which together provide the principles, spatial strategy and district-wide planning policies for the Council's entire administrative area. The Peterborough Site Allocations (PSA) DPD, 2012, is complementary to the CCP insofar as it establishes the principle that development can be located on various sites within the part of the Council's administrative area which is outside the boundary of the CCP.
10. The CS, the PPP and the PSA DPDs were all prepared within the context of the Regional Strategy (RS) set out in the former East of England Plan, which identified Peterborough for significant growth and regeneration. The RS was, however, revoked in January 2013.
11. The National Planning Policy Framework (NPPF) was published in March 2012. At paragraph 182, the NPPF explains that, to be sound, a plan should be positively prepared, justified, effective and consistent with national policy.

### **Main Issues**

12. Taking account of all the representations, written evidence and the discussions which took place at the examination hearings I have identified five main issues upon which the soundness of the Plan depends.

### **Issue 1 – Whether the CCP is positively and effectively prepared in relation to its housing provision**

#### *The quantum of housing to be provided*

13. The CS provides for a net increase of 4,300 homes in the city centre area. Some 329 of these were completed in the period April 2009 – 31 March 2013, leaving a balance of around 3,971 sites to be identified in the CCP. However, the CCP makes provision for the development of some 3,007 homes, which would be 964 fewer dwellings than set out in the CS. The Council's Evidence Report (CD005) explains that this reflects a reduced market demand for flats and high density housing, resulting in a lower number of larger dwelling units in the schemes permitted in the city centre.
14. The identified shortfall in the CCP area amounts to a very modest proportion of the overall housing provision of around 25,500 from 2009 -2026 across the Council's area. Significantly, the committed residential sites and new allocations in the part of the Council's area beyond the city centre together exceed the amount included in the CS by some 1,212 dwellings.

Consequently, the overall provision would exceed the provision required in the CS by approximately 248 dwellings. On this basis, the overall housing provision would be broadly consistent with the CS.

15. Moreover, up to date evidence in the Council's Housing Monitoring Report: 1 April 2013 – 31 March 2014 (CD114), and in its Core Document CD115, shows that sites for additional numbers of dwellings are now committed in the city centre. This further reduces the shortfall. Accordingly, its impact on the overall balance of the CS's spatial strategy between the city centre and the rest of the district is not material.
16. Peterborough city centre has relatively few houses and flats compared to other towns and cities of a similar size, and a correspondingly low city centre population. The Council estimates that there were around 1,350 dwellings in the city centre in 2009. The CCP aims to create new residential neighbourhoods to provide an attractive, vibrant location throughout the day and evening times. While there is some uncertainty concerning the initial number of homes in the city centre, the CCP will result in an estimated net provision for some 3,336 dwellings by 2026. This would be an uplift of around 356% compared to the 2009 estimate. This would be increased further by the additional units identified in the 2014 Monitoring Report.

#### The Railway Station Policy Area

##### The former Peterborough Hospital Site

17. Policy CC4 of the CCP identifies the former Peterborough Hospital Site as an Opportunity Area, reference CC4.1, with an indicative development capacity of 350 dwellings. A representor contends that this is inconsistent with the further requirement within the policy for development proposals to be in general conformity with the adopted Peterborough District General Hospital Site Supplementary Planning Document, 2010 (SPD) (CD036).
18. The SPD indicates that some 350-550 dwellings could be provided on the former hospital site, but since the adoption of the SPD, the Council has granted (31/10/2014) outline planning permission, Ref 14/00536/OUT, for the redevelopment of the former hospital site. The scheme includes up to 350 residential units together with a range of non-residential uses including a primary school, informal open space and landscaping. Consequently, a greater number of residential units would no longer be feasible within the site.
19. There is no evidence that the remainder of the SPD is out of keeping with the CCP. However, in order for the plan to be effective, I agree that a MM to paragraph 4 of policy CC4 is necessary. **MM9**, which requires that development proposal should be informed by, and in general conformity with, the SPD unless a requirement has been superseded by a local or national policy, and that any significant deviations from the SPD should be justified by a planning application, is therefore, necessary.

### City Core Policy Area

#### Wheel Yard

20. Policy CC3 of the CCP indicates a development capacity of 20-25 dwellings for Wheel Yard (site reference CC3.4), with the requirement that these are to be delivered in accordance with an agreed development brief. A development brief has yet to be agreed, although the extent of the site (CC3.4) is shown on the Peterborough Policies Map Inset 2 (CD001b).
21. It was put to me at the hearing that an enlarged site area and greater number of dwellings would be appropriate at Wheel Yard. However, policy CC3 would not, in itself, preclude the consideration of proposals beyond the site boundary, subject to the policies in the Council's Local Development Framework as a whole and other material considerations. The representor is concerned about the financial viability of the development within the boundary of site CC3.4, but does not contend that the CCP is unsound with regard to development at Wheel Yard.
22. By contrast, English Heritage contends that a lower number of dwellings would be appropriate and on the basis of a need to demonstrate 20-25 dwellings could be provided at Wheel Yard without causing notable harm to the historic environment. However, since this is an indicative number of dwellings, and the CCP emphasises in Appendix C that the most appropriate design-led solution should take precedence over the figures in the plan's allocation policies, this is a matter for the development brief. Nonetheless, given the potential impact on the setting of the cathedral, **MM3**, requiring the development brief to include, among other matters, the height and scale of any development and the setting of the cathedral and its precincts, is necessary for the CCP to be effective.

### Riverside South Policy Area

#### Railworld North site

23. It is contended that the requirement, in paragraph 5.5.8 of the CCP, for the access to the Railworld North site (ref CC6.3) to be from Thorpe Lea Road would not be effective in delivering the development of some 50 prestige homes since an easement across Council-owned land would be necessary. However, an agreement for the grant of an easement was signed by the Council and Railworld on 14 July 2014 (CD117). The agreement provides for the Council to grant a Deed of Easement for the construction of an access road from Thorpe Lea Road providing planning permission has been granted for residential development. Even so, it is submitted that plan should be amended to indicate that Thorpe Lea Road is the preferred, rather than the required, means of access, so as to avoid a 'ransom' situation.
24. The Council refused a planning application in 2011 for the construction of an access road from Thorpe Lea Road, but there is no evidence that permission would not be granted for a comprehensive scheme for housing development and an access road. Indeed, policy CC6 would support this.

25. Furthermore, the representor accepts that an alternative access from River Lane would not be ideal due to the character and ownership of part of River Lane and the layout of its junction with Thorpe Road. Accordingly, I find that the plan would be effective in this respect.

*Railworld, South*

26. The CCP is silent on the majority of the Railworld South site, other than a reference in paragraph 5.5.8 to the provision of an enhanced visitor attraction. The CCP does not explain the type of enhancement or the mechanism by which it will be provided, although at the hearing the representor explained that a two storey visitor centre of some 930sqm floor space was envisaged. It is intended that this would give access both to the Nene Valley Railway Peterborough Station and to covered sidings for the conservation and interpretation of railway items.
27. It is, however, contended that freestanding visitor attractions are not generally viable. No further viability information is before me, although the representor submits that the trustees of the site will be in a financial position to prepare a business case to demonstrate the viability of the Railworld South proposals following the release of funds from the development of the Railworld North site, discussed above.
28. The representor seeks a change to the CCP to provide for a mixed-use scheme for the Railworld South site to include residential development as well as the visitor attraction uses. The representor's submitted concept plan indicates that around 89 residential units could be provided on the site.
29. The CCP envisages substantial change within the Riverside South Policy Area during the plan period. It seeks locations for a further 125 dwellings in addition to those identified in policy CC6. No representations were made suggesting the Railworld South site for mixed use at the plan's consultation stage, and so it was not considered for residential development during the preparation of the CCP.
30. Around 74% of the site is within Flood Zone 2, but only some 7% is within Flood Zone 1, which it is submitted, is not dissimilar to the Railworld North site. The Environment Agency has not raised an objection to the redevelopment of the site, but has commented that the most vulnerable uses should be restricted to the area at lower risk of flooding. However, no flood risk, sequential or exception tests have been carried out as required by CS policy 22. In their absence, some doubt remains as to whether the site would be deliverable within the plan period. Nonetheless, since CCP policy CC6 would not preclude a mixed use scheme, including residential and enhanced visitor attraction uses at this site, it has not been demonstrated that the plan is not effective.

*Green Back Yard*

31. A representor submits that the lack of specificity for the location of 125 dwellings within policy CC6 makes the plan unsound. The Council concedes that no sites have been identified for these homes, but submits that sites for at least 125 dwellings could be provided within the Riverside South Policy Area.



32. I give some weight to the Council's decision to establish a Peterborough investment fund, which is intended to bring development forward in the city centre through a joint venture company (Cabinet Report 24 February 2014: CD072). The report identifies a range of vacant and under-used previously developed sites within the Council's ownership, which could be released for redevelopment through joint ventures. However, the Pleasure Fair Meadows Car Park is the sole site within the Riverside South Policy Area which was identified for disposal in Council's Cabinet Report. While there is no reason to doubt that housing could be provided on this site in a decked scheme without the permanent loss of car parking, there are no further details before me.
33. I accept that the Council may release further sites, that other sites not within the Council's ownership may come forward, and that the number of dwellings to be constructed on identified sites may increase. Given the scope for regeneration and redevelopment in this prime, central, location, this may be the case. However, the approach in policy CC6 does not provide a clear demonstration that the indicative number of dwellings set out in policy can be provided. Nevertheless, I consider that, on balance, the uncertainty concerning the provision of 125 dwellings is not sufficiently serious within the overall provision and flexibility of the CCP to make it unsound.
34. It is contended that policy CC6 should preclude housing development on the Green Back Yard site, to be consistent with the NPPF and so that its use as a community project is able to continue. The representor submits that the Green Back Yard accords with Government policy on promoting healthy communities set out in the NPPF. It occupies a Council-owned site on a licence, and is seeking greater security of tenure. However, that is not a matter for me in considering the soundness of the CCP.
35. The representor further submits that the development of the site will not be necessary to meet the housing requirements set out in the plan, as additional sites will come forward through, among other things, the conversion of office premises. The site is not, however, proposed for development in the CCP, and I have not identified the need for changes to the supply of housing sites within the policy area or the city centre as a whole. Nonetheless, the quantum of housing to be provided within the city centre should not be regarded as a maximum target since it is the Government's policy in the NPPF is to boost significantly the supply of housing.
36. Notwithstanding my findings above, paragraph 5.5.4 of the plan incorrectly refers to the Green Back yard site as community allotments. Although the land is used, in part, for growing food, it is a former allotment site, which no longer has the status of statutory allotments. Accordingly, **MM4** is necessary for the plan to be justified by evidence.

#### Riverside North Policy Area

37. Policy CC7 proposes the development of a maximum of 25 prestige homes at Bishops Road (site ref CC7.1). It is submitted that in addition to the criteria set out in the policy, additional justification for the location of the site and the number of dwellings is needed for the plan to be sound.
38. The Consultation Draft (CC014) of the CCP proposed the development of

approximately 50 prestige homes along the frontage of Bishops Road, but a site was not identified. The Evidence Report (CD005) explains that the site, which is currently a car park, has been identified in response to the public consultation. The number of dwellings proposed was reduced to take account of the character of the area. It has not been demonstrated that the proposal is unjustified.

### Conclusion on Issue 1

39. The policies and proposals in the CCP will result in a significant boost to the number of dwellings in the city centre. I am satisfied that, subject to the MM3, MM4 and MM9, the CCP is realistic, and positively prepared with regard to its quantum of housing provision and its distribution within the plan area.

## **Issue 2 – Whether the townscape and heritage policies and proposals are sound**

### Heritage value

40. The vision for the future of Peterborough city centre provides, at paragraph 3.1.1 of the CCP, provides that those buildings and places 'that we love for their heritage value, for nature conservation, or simply for their sense of place, will be conserved and enhanced.' The Council accepts that the term 'that we love' is ambiguous, and should instead refer to buildings and places which are important for their heritage value. **MM1** overcomes this ambiguity, and is necessary to make the plan effective.

### Design Panels

41. It is submitted that a reference to design panels is required for the CCP to be consistent with the NPPF. High quality design is a core principle of the NPPF, but although its paragraph 62 states that local planning authorities should have local design review arrangements in place, there is no requirement for this to be repeated in development plan policies.
42. The Council explained at the hearing that it has not considered it necessary for its design panel to meet for several years, as it has instead sought specialist advice from a local architect. The Council accepts that regular meetings of a fresh design panel would be appropriate as proposals for the regeneration of the city centre come forward, but does not accept the need to modify the CCP for this to occur. The arrangements to set up and publicise future design panels, while important, are not for my consideration as they do not go to the heart of the soundness of the CCP.

### Views of Peterborough Cathedral

43. The CCP does not include policies to control the height of new buildings, alterations or extensions in the city centre. However, there is no evidence that generalised control over the height of buildings would assist in controlling views of the cathedral. Indeed, I accept the Council's submission that this could be counterproductive, and that a detailed analysis on a case by case basis, including the proximity and height of other buildings, would provide a more robust approach to protecting the views of the cathedral.

44. It is submitted that the CCP should explicitly identify key, critical views of the cathedral in order to support CS policy CS17. Map 3 of the Council's Evidence Report (CD005) shows strategically important cathedral views in diagrammatic form. The map is, therefore, indicative, and does not provide a definitive mapping of all the possible views of the cathedral from within the city centre and the surrounding area. Furthermore, it is based on survey work carried out by the Civic Society, which has not been updated for inclusion in the CCP. Its inclusion within the plan could, therefore, have the unintended consequence of detracting from, rather than ensuring, its effectiveness.
45. Nonetheless, for the effectiveness of the plan, paragraph 4.7.12 of the CCP needs to be strengthened to make clear that the area policies include specific requirements to protect views of Peterborough Cathedral. In addition, to make the CCP effective, it is necessary to encourage applicants to discuss with the Council at the earliest opportunity any development proposal which would have the potential to impact on the views of the cathedral. Accordingly, **MM2**, which addresses both these considerations, is necessary.
46. Paragraphs 5.2.4 and 5.2.5 of the CCP recognise that there may be opportunities to improve the connections between the cathedral, its precincts and the Northminster Opportunity Area. The CCP proposes that this be explored by means of a development brief or a Supplementary Planning Document (SPD). However, for the plan to be effective, **MM8**, which specifies that the brief or SPD should relate to the Northminster Opportunity Area is necessary.

### Conclusion on Issue 2

47. For the reasons explained above, I am satisfied that, subject to MM1, MM2 and MM8, the townscape and heritage policies and proposals in the CCP are sound.

### **Issue 3 – Whether the plan is sound in relation to strengthening retail and town centre activities**

#### Railway Station Policy Area

##### Station East Opportunity Area

48. Policy CC4 supports and encourages high quality mixed used developments in the Railway Station Policy Area to create an attractive and legible gateway to the rest of the city centre. In the Station East Opportunity Area the policy provides for mixed-use commercial-led development which could include ancillary retail uses, bars, restaurants and leisure uses. These are expected to be small scale outlets which would serve the needs of rail passengers.
49. Concern has been expressed that they could undermine the regeneration of the city centre. A representor considers that the plan should be modified so that bars, restaurants and leisure uses in this area are also required to be ancillary to, and associated with, the railway station. However, at the hearing the representor accepted that there is not a need to add floor-space or other criteria to the policy. The Council will consider any retail proposals on a case by case basis and a sequential test would apply to proposals for main town centre uses in this area.

### Rivergate Policy Area

#### Rivergate Shopping Area

50. CCP policy CC5 supports a retail-led, mixed use development, incorporating approximately 100 dwellings in the Rivergate policy area. Concern has been raised that this could undermine the CCP objective of strengthening the city core as the retail focus for Peterborough. The representor submits that an additional bullet point should be added to policy CC5 to specify that development at the Rivergate Policy Area should not provide any significant increase in the overall amount of Class 1 floorspace than exists now within the centre.
51. The GVA Peterborough Retail Study Update, 2013, (CD049) recommends (at paragraph 7.36) removing the part of the Rivergate Centre which is to the south of Bourges Boulevard from the Primary Shopping Frontage, as it does not form part of the core retail attraction in Peterborough. Though it is part of the Council's evidence base, the Retail Study has not been formally adopted by the Council. Although there is no dispute that the centre is not a primary shopping frontage, it nonetheless remains part of the city centre Primary Shopping Area, as defined by CS policy CS15 and shown on Inset 2 of the Council's Adopted Policies Map. Policy CC5 provides flexibility to widen the mix of uses within this part of the Primary Shopping Area, and to improve links through the area and its relationship to the river frontage.
52. There could be some short-term merit in the contention that a restriction on the quantum of retail floorspace within the Rivergate Shopping Area might help to strengthen the vitality of the Queensgate Shopping Area. However, in the longer-term, a shortage of retail floorspace in the Primary Shopping Area could increase pressure for further out-of-centre retail developments to the detriment of the vitality of the city centre as a whole. The representor's requested addition to policy CC5 is not, therefore necessary for the CCP to be effective.

### Boongate Policy area

53. In the Boongate Policy Area policy CC9 allows for residential development at the Dickens Street (site ref CC9.1) and the Wellington Street (site ref CC9.2) car parks in order to create a more attractive gateway to the eastern edge of the city centre. A representor contends that the area is suitable for a range of town centre uses, and seeks a modification to reflect this, subject to compliance with relevant development plan policies.
54. The Boongate Policy Area is beyond the City Core Policy Area, and well beyond the Primary Shopping Area. Town centre uses would, therefore, conflict with the plan's objective of strengthening the city centre as a regional shopping destination, and with policy CC2, which addresses the extent of the Primary Shopping Area and the Primary Retail Frontages. In the absence of detailed submissions, it has not been demonstrated that the representor's proposed change is necessary for the plan to be effective.

### City Core Policy Area

#### North Westgate Opportunity Area

55. The North Westgate Opportunity Area (Site ref CC3.5) is within the city core area. CCP policy CC3 provides for comprehensive mixed use redevelopment including retail, housing office and leisure uses. It is contended that the policy should be amended to allow the implementation of the development to be delivered in phases. There is, however, no conflict between the requirement for a comprehensive scheme to be agreed and its phased delivery. It has not been demonstrated that a MM is necessary for the plan to be effective in relation to the redevelopment of the North Westgate Opportunity Area.

#### Conclusion on Issue 3

56. The policies and proposals in the CCP are consistent with its objectives of strengthening retail and town centre activities. I am satisfied that they are realistic, positively prepared and otherwise sound.

#### **Issue 4 – Whether the CCP is sound in relation to car parking in the city core area**

57. The Car Parking Strategy for the area is set out in the Peterborough Long Term Transport Strategy and Local Transport Plan 3 (LTP), 2011-2016 (CD047). Within the city centre it includes discouraging long-term car parking, and working with partners to reduce the footprints of city centre car parks and, by so doing, make more land available for development.
58. It is contended by a representor that a balance needs to be struck between the Council's transport vision and the essential need for car parking to ensure the success of the retail core of the city. The representor proposes that the second paragraph of policy CC11 be amended to state that, in the city core, the provision of spaces as part of new development may require a planning obligation, rather than requiring an obligation to make an equivalent (or greater) reduction elsewhere.
59. The Council accepts that, given the necessary control over land which would be required, there are likely to be few circumstances in which a developer would be able to enter into a legal agreement to reduce the number of parking spaces on another site within the city core area. Nonetheless, though the scope to implement this part of policy CC11 may be limited, it is justified by the Council's adopted LTP. Furthermore, the Evidence Report (CD005) explains that the strategy is to consolidate rather than reduce the overall parking provision within the city centre, and to enhance the public realm. The CCP would be effective in delivering greater priority to pedestrians and cyclists, and in supporting the vitality and viability of the centre.

#### Conclusion on Issue 4

60. I am satisfied that the CCP is positively prepared, justified and otherwise sound in relation to car parking proposals within the city core area.

## **Issue 5 – Whether the CCP is sound in relation to Drainage and Flood Risk**

61. The capacity of the drainage network is limited in the city centre, particularly the City Core and the Railway Station Policy Areas, due to the use of combined foul and surface water sewers. Paragraph 4.9.7 of the CCP refers to, and reiterates, the statement in the Council's Flood and Water Management SPD (CD038) that no new surface water connections to the combined or foul water systems will be permitted. The reference to the redevelopment sites such as the Hospital and Station Opportunity Area in paragraph 4.9.7 indicates that the restriction would apply to proposals for re-connections on existing developed sites as well as new connections, but this is not explicit.
62. The Council, therefore, accepts that in order to be effective, an additional sentence needs to be included after the third sentence of the paragraph to state that on such sites, re-connection of surface water to the combined sewer system will only be permitted if it is demonstrably the only practical solution. This is set out in **MM5**, and I agree that it is necessary for the plan to be effective in preventing any re-connection of surface water drainage to the combined sewer system, except where no other practical arrangement could be made.
63. Representors submitted that, in addition to MM5, changes should be made to policy CC1, which addresses the presumption in favour of sustainable development, and to policies CC3 and CC4, which set out the detailed policies for the areas where the combined sewers mainly exist. This would repeat both the text of the CCP and the SPD, and is not necessary. However, the Council accepts that, in the interests of effectiveness of the CCP, **MM6 and MM7** are necessary to cross reference these policies to paragraph 4.9.7 of the plan. I agree that the additional clarity arising from these MMs is necessary for the CCP to be effective.

### Conclusion on Issue 5

64. The drainage and flood risk policies and proposals in the CCP are positively prepared. Subject to MM5, MM6 and MM7, explained above, I am satisfied that the CCP is sound in relation to drainage and flood risk.

### **Other matters**

65. It is not necessary for the CS policies relating to, among other things, community involvement, biodiversity and nature conservation to be repeated in the CCP as planning proposals are required to be considered in the context of all the development plan policies for the area.
66. A concern has been raised that the City Market Traders have not been invited, engaged, nor informed about any consultation as to whether the City market is to remain at Laxton Square, or be re-located. Policy CC3 of the CCP states that the Council will support proposals to improve the market or, if necessary, work with market traders to identify a new location. The plan, therefore, accords with the aspirations of the City Market Traders to maintain a vibrant market and makes provision for consultation to take place in the future. It has not been shown that the plan has failed to be legally compliant or is unsound.

67. It is contended that the CCP is not legally compliant because it does not provide information concerning access to the documents in other formats. This matter is, however, addressed in the Statement of Community Involvement (SCI). This explains that the Council is happy to make any document available in large type or to record its contents on to a CD, or to meet with any blind or partially sighted person to explain the content of any letter, notice or document. While including, or referring to, this information within the CCP would have been a comprehensive approach, it is not necessary since the SCI supports not only the preparation of the CCP, but explains how the Council will involve the community in the preparation of its Local Development Framework, Neighbourhood Planning and development control activities. Consequently, I am satisfied that the approach taken by the Council is not prejudicial to complying with its Public Sector Equality Duty.
68. English Heritage recommends that amendments are made to the description of the listed buildings and heritage assets in the Station East Opportunity Area. While this would add clarification to the plan, there is no contention that this goes to its soundness, and it is not a matter requiring a MM.
69. It has been submitted that the Implementation section of the CCP should state that no development should come into use until water and sewerage infrastructure is in place. However, CS policy CS12 provides that planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all its requirements. CS policy 13 addresses developer contributions including those for necessary infrastructure. Furthermore, section 4.9 of the CCP emphasises the importance managing drainage and flood risk, and paragraph 7.1.5 sets out the mechanisms available for requiring the delivery of infrastructure. No further MM is necessary to address the effectiveness of the CCP in relation to water and sewerage infrastructure.
70. A representor has raised concerns regarding the retention of the Broadway Theatre. The building was vacant at the time of the hearing, and no proposals for its future were brought to my attention. However, as CCP policy CC10 does not propose the redevelopment of the building or preclude its retention, and does not affect the soundness of the CCP.
71. CCP policy CC7 for the Riverside North Policy Area provides that the area will remain predominantly open for social, recreational, leisure and cultural uses, while providing for up to 25 dwellings. The policy requires that any built development will include provision for a new swimming pool and other sports facilities. A representor contends that the policy should be more specific regarding the formal sports facilities to be provided. However, as the policy does not indicate the facilities should be for formal sport, no MM is necessary in this regard.
72. Representations made to, and considered by, the Council at earlier stages of the preparation of the CCP are not matters for my consideration, as my examination relates solely to the soundness of the CCP as submitted.

## **Implementation and monitoring**

73. The implementation of the proposals in the CCP will further transform the city

centre, where widespread improvements are already in progress. It will be dependent on the provision of infrastructure including roads, school, water and electricity capacity.

74. The use of Supplementary Planning Documents, Development Briefs and S106 legal agreements and undertakings will be used to guide and control the proposals in the CCP. The delivery of the proposals will involve land holdings in the Council's portfolio and assets held by other organisations and businesses. However, the Council's investment fund and proposed joint ventures will assist in the implementation of the plan.
75. The key responsibilities, monitoring indicators and target for the strategy and the policy areas in the CCP are stated. These relates to the indicators and policies in the CS and the PPP. The risks are also identified.
76. These provisions for the monitoring and implementation of the CCP are clear, appropriate and sound.

## Assessment of Legal Compliance

77. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The City Centre Plan is identified within the approved LDS dated April 2012 (CD033), which sets out an expected adoption date of December 2014. The City Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI (CD034) was adopted in November 2012 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	The SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (January 2014), CD003, sets out why AA is not necessary.
National Policy	The City Centre Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Peterborough City Centre DPD complies with the Duty, which has been addressed in the Council's assessment dated January 2014.
2004 Act (as amended) and 2012 Regulations.	The Peterborough City Centre DPD complies with the Act and the Regulations.



## **Overall Conclusion and Recommendation**

- 78. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
- 79. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Peterborough City Centre Development Plan Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*CA Newmarch*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	9	Paragraph 3.1.1, bullet point 3	Those buildings and places that <del>we love</del> <u>are important</u> for their heritage value, for nature conservation, or simply for their sense of place, will be conserved and enhanced.
MM2	24	Paragraph 4.7.12	In this respect, when considering development proposals within the city centre, careful consideration will be given to the impact that their height, scale and massing would have on strategically important views of the Cathedral, particularly those from key transport corridors and key open spaces <u>such as</u> <del>(e.g. the Embankment and Stanley Recreation Ground)</del> . <u>Where specific requirements are necessary to protect views of the Cathedral these are included in the relevant policy for that area. Applicants are encouraged to discuss their proposals with the Council at the earliest opportunity if there is any potential that the proposal may impact on, or give rise to opportunities for improved, Cathedral views.</u>
MM3	32	Policy CC3, Site Reference CC3.4	Wheel Yard (to be delivered in accordance with an agreed development brief <u>that covers, amongst other matters, the height and scale of any development and the setting of the Cathedral and Precincts</u> ).
MM4	39	Paragraph 5.5.4	This area also contains a variety of uses including the Peterborough United Football Ground, Pleasure Fair Meadow car park, <del>community allotments</del> <u>(an area registered as a community asset)</u> and Railworld land either side of the river.
MM5	27	4.9.7	<i>After the third sentence of paragraph 4.9.7 insert</i>  <u>On such sites, re-connection of surface water to the combined sewer system will only be permitted if it is demonstrably the only practical solution.</u>

Ref	Page	Policy/ Paragraph	Main Modification
MM6	32	Policy CC3	<i>Following the bullet points providing criteria for new development, insert</i> <u>Due to the sensitivities in this area, particular scrutiny will be given to the sustainability of the area with regard to drainage and surface water flood risk (see section 4.9 for further details).</u>
MM7	36	Policy CC4, paragraph 3	<i>Delete</i> <del>All development must ensure sustainability of the area with regard to on-site drainage and surface water flood risk</del> <i>Insert</i> <u>Due to the sensitivities in this area, particular scrutiny will be given to the sustainability of the area with regard to drainage and surface water flood risk (see section 4.9 for further details).</u>
MM8	30	Paragraph 5.2.5 Final sentence	This will be explored through a future development brief or SPD for the <u>Northminster Opportunity Area area</u> .
MM9	36	Policy CC4, paragraph 4	Development proposals for the Hospital Opportunity Area should be <u>informed by</u> , and be in general conformity with, the adopted Peterborough District Hospital Site SPD, <u>unless a requirement within it has been superseded by a subsequent Local Plan Policy or national policy</u> . Any significant deviations away from the SPD should be justified with any <u>planning application</u> .

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