

CABINET	AGENDA ITEM No. 6
13 DECEMBER 2010	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Marco Cereste – Portfolio Holder for Growth, Strategic Planning and Economic Development	
Contact Officer(s):	Andrew Edwards – Head of PDP Richard Kay – Policy and Strategy Manager	Tel. 384530 863795

PETERBOROUGH PLANNING POLICIES DEVELOPMENT PLAN DOCUMENT (DPD) – CONSULTATION DRAFT

RECOMMENDATIONS	
FROM : Head of Peterborough Delivery Partnership	Deadline date : n/a
That Cabinet approves the Peterborough Planning Policies DPD ('Consultation Draft'), attached at Appendix 3, for the purposes of public consultation in early 2011.	

1. ORIGIN OF REPORT

1.1 This report is submitted to Cabinet following approval of the Council's Local Development Scheme by the Secretary of State for Communities and Local Government.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to enable Cabinet to agree for public consultation in early 2011 the Planning Policies Development Plan Document (Consultation Draft) (hereafter referred to as the 'Planning Policies DPD').

2.2 The officer-recommend Planning Policies DPD is attached at Appendix 3 and copies have been placed in each of the Members Group Rooms. For convenience, Appendix 1 contains a brief summary of each of the policies in the document.

2.3 This report is for Cabinet to consider under its Terms of Reference No. 3.2.4, 'to promote the Council's corporate and key strategies and Peterborough's Community Strategy and approve strategies and cross-cutting programmes not included within the Council's major policy and budget framework'.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES	If Yes, date for relevant Cabinet Meeting	13 December 2010, and scheduled to be received again in mid-late 2011
Date for relevant Council meeting	Mid-late 2011	Date for submission to Government Dept	DCLG – late 2011 or early 2012

4. PLANNING POLICIES DPD

4.1 The Planning Policies DPD feeds off the Peterborough Core Strategy which in turn was based on the Sustainable Communities Strategy (e.g. the latter two both share the same vision statement). The Planning Policies DPD sets out the detailed 'development

management' (or 'development control') planning policies, which will be used day-to-day by planning officers when considering the detailed aspects of planning applications.

4.2 It is important to note that the Planning Policies DPD:

- **does not** set any strategic growth targets (that is a task for the Core Strategy)
- **does not** allocate new land for development (that is a task for the Site Allocations DPD).

4.3 As such, the Planning Policies DPD is generally less sensitive than other statutory planning policy documents for Peterborough, such as the Core Strategy and Site Allocations DPD, for that simple reason that it does not include new land allocations for development. Rather, it is something which, in general terms, is usually of greater interest and scrutiny by the 'professional' industry of planners, architects and developers. The general public generally do not get too concerned about this document.

4.4 However, despite this likely relatively low profile whilst in preparation, the policies themselves, once adopted, become extremely important when determining planning applications. They give the Council the powers and justification to either refuse or approve something, especially on detailed design matters (which can be very sensitive in local communities). As such, if we get this document wrong, we could be storing up problems for the future, making life very difficult when determining planning applications.

4.5 This document is in its mid-point in terms of gestation, and (for good reason) 1-2 years behind that of the preparation of the Core Strategy / Site Allocations DPD. A major consultation took place on 'issues and options' a couple of years ago, responses to which have influenced what is to be included in what this version is known as: a "Consultation Draft". If approved by Cabinet, it will be made available for formal public comments and then redrafted as a "Pre-Submission" version for further consideration by the Council (probably towards the end of 2011). Thereafter, it will be submitted to the Secretary of State (Spring 2012), a public Examination will be held (summer / autumn 2012) and the final plan adopted (late 2012 / early 2013).

Local List of Buildings

4.6 Peterborough has for some time had a 'local list' of historic buildings which, whilst not of high enough quality to merit formal 'Listed Building' status, they are of sufficient merit to seek their preservation and, if possible, enhancement. We have worked on updating that list over 2010, and have included a proposed new draft list towards the back of the Planning Policies DPD. As such, when the Planning Policies DPD is published for public consultation, the public will have the opportunity to comment (object or support) properties found on that list. In addition to the list in the DPD, a separate detailed 117 page 'evidence report' has been prepared which gives more detail and a photograph of each property in the draft list. This will help inform the public (and property owner, as applicable) why a particular property is included. This background evidence report should be available on the website from Tuesday 7th December at:

http://www.peterborough.gov.uk/environment/listed_buildings.aspx .

4.7 We will be writing separately, in the New Year, to all property owners and/or occupiers to inform them that they are on the new draft list, and explaining how they can make comments on the list.

5. CONSULTATION

5.1 The 'issues and options' consultation took place with members of the public in October 2008. The responses received have been fully considered and analysed, and have influenced the formation of the draft policies in the 'consultation draft' being considered today.

5.2 Prior to Cabinet, this consultation draft Planning Policies DPD has been considered by:

- LDF Scrutiny – 18 October 2010. This meeting only discussed some of the emerging ‘principles’ of the document, with a detailed discussion due at a subsequent LDF Scrutiny.
- LDF Scrutiny – 29 November 2010. The consultation draft was scrutinised in detail at this meeting. Attached at Appendix 2 is a summary of the outcome of the discussions, along with the actions that have been taken as result.
- Planning and Environment Protection Committee – 7 December 2010. The consultation draft is scheduled to have been considered in detail at this meeting, and the key points raised will be reported orally to Cabinet.

5.3 If approved today, the document will be published for 6 weeks public consultation, likely to be in February/March 2011.

6. ANTICIPATED OUTCOMES

6.1 It is anticipated that Cabinet will approve the Planning Policies DPD (Consultation Draft) for public consultation starting in February 2011.

7. REASONS FOR RECOMMENDATIONS

Cabinet is recommended to approve the Planning Policies DPD (Consultation Draft) for public consultation because it will help deliver high quality development, will encourage and support investment in the City due to up to date and clear policy requirements, will provide more clarity as to what design of development the Council wants to see (subject to consultation) and will provide local residents with an opportunity to comment on proposals.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 It is a statutory requirement to produce the Planning Policies DPD therefore the alternative option of not producing this document was rejected. Alternative policies options were consulted upon with the public in 2008.

9. IMPLICATIONS

9.1 **Legal Implications** - The Council must follow due Regulations in preparing the Planning Policies DPD. Eventually, once the final DPD is adopted in 2012 or 2013, the Council has a legal duty to determine planning applications in accordance with the policies contained in the DPD.

9.2 **Financial Implications** – None, other than costs associated with arranging and conducting the public consultation, all of which are budgeted for.

9.3 **Other Implications** – As with all planning policy documents, there are a wide range of social, economic and environmental implications with this Planning Policies DPD because it will directly influence how development will be built

10. BACKGROUND DOCUMENTS

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

- Issues and Options Planning Policies DPD – Oct 2008

Summary of policies included in the Planning Policies DPD (Consultation Draft)

Draft Policy	Policy information
PP1 – Design Quality	This is a generic policy covering all types of new development. The objectives of the policy are to improve design standards and the sustainability of new development.
PP2 – Impacts of New Development	This policy aims to ensure that all development takes into consideration the impact that it will have on the occupiers and/or users of properties nearby.
PP3– Amenity Provision in New Development	The aim of this policy is to ensure adequate amenity provision is provided for future residents in all new development.
PP4 – Prestigious Homes	The policy seeks to prevent the loss of prestigious homes in order to enable business leaders to live locally.
PP5 – Conversion and Replacement Dwellings in the Countryside	This policy recognises the potential for conversion of redundant rural buildings to dwellings and sometimes the need to replace existing dwelling in the countryside. The policy specifies criteria that have to be met before planning permission can be granted.
PP6 – Rural Economy	This policy sets out criteria that have to be met for tourism, leisure, cultural and employment development in villages and the countryside.
PP7 – Primary retail frontages in District Centres	The policy allows for the provision of a controlled number of non-A1 uses within primary frontages but prevents any proliferation that would adversely affect the amenity of neighbouring properties or the character of District Centres.
PP8 – Shop frontages, security shutters and canopies	This is a generic policy to improve the appearance of all shops.
PP9 – Transport Implications of Development	This policy addresses all transport issues such as the effect of development on road safety, traffic congestion, access and circulation, parking, and the design of new infrastructure. These are all material considerations in determining a planning application.
PP10 – Parking Standards	Maximum car/van parking standards (except for C3 - dwelling houses and C4 – houses in multiple occupation where minimum parking standards apply) have been devised to reflect the approach to local parking standards in Planning Policy Statements (PPS)3 and 4. Minimum parking provision for cycle, powered two wheelers and

	spaces for disabled users are included in the parking standards. We have also included a need to provide a charging point for an electric vehicle where appropriate.
PP11 – Open Space standards	The primary purpose of the open space standards is to secure adequate provision of open space for all new residential development. The standards set out a hierarchy of open space which builds up to a total requirement of open space per 1,000 population and which will be applied to all relevant development proposals.
PP12 – Nene Valley	The Nene Valley is viewed as an important asset for Peterborough; its use should be controlled and landscape safeguarded for the benefit of local people.
PP13 – The Landscaping and Biodiversity implications of Development	The policy deals with provision for landscaping and biodiversity in connection with new development and elements and provision to include when submitting a scheme.
PP14 – Heritage Assets	A generic policy designed to protect the designated and undesignated heritage assets including their settings.
PP15 – Buildings of Local Importance	This policy is included to protect a number of buildings of 'local importance', which are considered to make a positive contribution to the character of the area in which they are situated or have local significance.
PP16 – Ancient, Semi-Natural Woodland and Veteran Trees	The policy protects these areas from development that would adversely harm these areas.
PP17 – Habitats and Species of Principal Importance	We are required by law to protect Habitats and Species of Principal Importance in Peterborough. Any development proposal that would cause demonstrable harm to a legally protected species or habitat will be refused permission.
PP18 - Drainage and Floodrisk Management	All proposals will be required to address issues of drainage and flood risk management in accordance with the policy unit approach to be explained in a subsequent Supplementary Planning Document.

PETERBOROUGH PLANNING POLICIES DPD (CONSULTATION DRAFT)

OUTCOME OF CONSIDERATION BY LDF SCRUTINY GROUP

29 NOVEMBER 2010

The LDF Scrutiny Group considered the draft document in detail and discussed each policy in turn. The outcome of the discussion is recorded in the left column with the resulting action in the right column. Policy numbers and titles are those that existed at the time of the meeting; they have changed for the version now recommended to Cabinet.

Outcome of Discussion by LDF Scrutiny Group	Resulting Action
<p><i>PP1 – The Location and Design of New Development</i> It was suggested that the use of renewable energy in developments should be promoted by this policy.</p>	<p>A reference to renewable energy has been included in the supporting text to the policy PP1.</p>
<p><i>PP2 – Amenity</i> The crime and disorder bullet point in the policy needs to be clarified. It is unclear what this point is trying to achieve.</p>	<p>The bullet point has been amended to read ‘opportunities for crime and disorder’.</p>
<p><i>PP3 – Prestigious Homes</i> It was noted that the policy title was changed from ‘Top of the Market Dwellings’ to ‘Prestigious Homes’.</p>	<p>No further change.</p>
<p><i>PP4 – Housing in the Countryside</i> There was a difference of opinion among members of the Group regarding the policy for replacing existing dwellings in the countryside. Some felt that the policy was too restrictive and that it should be more flexible in allowing the replacement dwelling to be bigger than the original. Others were happy with the policy as drafted and considered there was sufficient flexibility allowed in the policy in criterion (h) which requires the replacement dwelling to be of a similar size and scale to the original dwelling.</p>	<p>This issue was due to be reported to Planning & Environmental Protection Committee on 7 December for their views, which would then be reported to Cabinet.</p>
<p><i>PP5 – Rural Economy</i> The Group agreed with the policy (after some discussion of bullet point (e)), and noted that there would be a need to make employment land allocations in the rural area, as some employment sites in villages have been de-allocated.</p>	<p>No change. The Site Allocations DPD will allocate employment land in suitable rural locations.</p>
<p><i>PP6 – Primary retail frontages in District Centres</i> The Group felt flexibility was needed so that if there was likely to be a long-term vacant shop unit, a non A1 use could be allowed in the primary retail frontages even if A1 use</p>	<p>The supporting text has been amended to explain that in exceptional circumstances the policy would be relaxed in order to prevent shops standing empty over the long-term.</p>

falls below 50%. This will enable the unit to be occupied rather than stand empty and attract antisocial behaviour.	
<i>PP7 – Shop frontages, security shutters and canopies</i> The final part of the policy should apply to all canopies, and not just fixed ones, as temporary ones can also have a detrimental effect on the building and surrounding area.	The word 'fixed' has been removed before 'canopy' in the last sentence of policy PP7 and in the supporting text.
<i>PP8 – The Transport Implications of Development</i> After discussion, no changes sought.	No change.
<i>PP9 – Parking Standards</i> The Disabled Persons Forum should be consulted about the parking standards. There may be a case for increasing the proportion of disabled parking standards - perhaps up to 8%. Having minimum parking standards for dwellings and HMO would make it difficult to grant permission for car free proposals in sustainable locations and would not enable any limit to be placed on numbers of residential parking spaces. The parking standard for stadia (1 space per 15 spectators) seems to be high and could result in excessive land devoted to car parking.	The Access Forum and other representative organisations will be included amongst the consultees for this document, once approved by Cabinet. The policy has been amended to make it more flexible for residential development.
<i>PP10 – Open Space standards</i> Consideration should be given to a standard for access to trees and woodland published by the Woodland Trust. For some categories of open space (e.g. allotments and natural greenspace), whilst the minimum area is acceptable as a standard, the accessibility measures may be difficult to achieve and ought really to be regarded as targets rather than absolute requirements.	A reference to the national Woodland Access Standard has been included in the supporting text to the policy. The appendix that accompanies this policy has been amended to make it clear that the accessibility measures are good practice targets rather than part of the required standard.
<i>PP11 – Nene Valley</i> No changes sought.	No change.
<i>PP12 – The Landscaping and Biodiversity Implications of Development</i> The second paragraph of the policy should be changed to reflect greater protection to irreplaceable species and/or habitats which cannot be offset.	The second paragraph has been deleted because the subject is adequately addressed by the Core Strategy policy on biodiversity.
<i>PP13 – Heritage Assets</i> The term 'significantly harm' is used in this policy and it is unclear what this means.	The use of 'significance' and 'harm' is compatible with terms used in the Government's Planning Policy Statement 5: 'Planning for the

	Historic Environment'. The phrase means any harm that is not so little as to be insignificant.
<p><i>PP14 – Buildings of Local Importance</i> There is a need to check the Appendix of Buildings of Local Importance carefully as some buildings seem to be listed in the wrong wards. Why are there no buildings in Werrington Village and in Newborough village on the list?</p>	The complete list of buildings in the Appendix will be thoroughly checked prior to publication for consultation. There were no buildings identified in Werrington village or Newborough that matched the selection criteria, but the separate consultation that will take place on the Local List will enable anybody to draw potential buildings to officers' attention for further consideration.
<p><i>PP15 – Ancient, Semi-Natural Woodland and Veteran Trees</i> There is a difference between a veteran tree and an ancient tree, and the policy should cover them both.</p>	The policy and supporting text have been amended to address this point.
<p><i>PP16 – Habitats and Species of Principal Importance</i> No changes sought.</p>	No change.
<p><i>PP17 - Drainage and Floodrisk Management</i> No changes sought.</p>	No change.