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# **Report to Peterborough City Council**

by **Roland Punshon BSc (Hons), MRTPI**

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

**Date 12 October 2012**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO PETERBOROUGH PLANNING POLICIES**

**LOCAL PLAN**

Document submitted for examination on 27 April 2012

Examination hearings held between 24 and 27 July 2012

File Ref: PINS/J0540/429/6

## **Abbreviations Used in this Report**

DPD	Development Plan Document
LDS	Local Development Scheme
MM	Main Modification
RS	Regional Strategy
SA	Sustainability Appraisal
SADPD	Site Allocations Development Plan Document
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPD	Supplementary Planning Document

## **Non-Technical Summary**

This report concludes that the Peterborough Planning Policies Local Plan (the Plan) provides an appropriate basis for the planning of the City over the next 15 years providing a number of Modifications are made. The Council has specifically requested that I recommend any modifications necessary to enable it to adopt the Plan. All of the modifications to address this were proposed by the Council, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The Modifications can be summarised as follows:

Modifications to bring the Plan into line with the National Planning Policy Framework.

Modifications which are necessary to remedy some flaws in the wording of some policies which would render them difficult to apply.

Modifications which are necessary to clarify the way in which policies will be applied and to improve their effectiveness.

Modifications which are necessary to ensure that the Plan can be properly monitored and assessed in order to improve its effectiveness

## Introduction

1. This report contains my assessment of the Peterborough Planning Policies Local Plan (the Plan) 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 then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (April 2012) which is the same as the document published for consultation in February 2012.
3. During the course of the Examination process the Council brought forward a number of changes which it wished to make to the Plan. These are set out in Core Document CD110. Some of the proposed changes are relatively minor and do not go to the soundness of the Plan. Making this type of change is a matter for the Council. However, some of the modifications are more substantial and are needed to make the Plan sound and legally compliant. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend the modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These Main Modifications are dealt with in my Report where they are identified in bold [**MM\*\***]. They are set out in full in the Appendix to my Report.
4. The Main Modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA) and I have taken the consultation responses into account in writing this report.

## Assessment of Duty to Co-operate

5. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation.
6. When the Duty to Co-operate was brought into effect on 15 November 2011, preparation of the Plan was already well advanced. However, before publishing the Plan, the Council reviewed its plan preparation processes to identify whether any actions would be necessary to comply with the new duty. The Council concluded that the Plan did not contain any specific proposals for development or for infrastructure which would have a significant impact on any other planning area and that it did not deal with any 'strategic' matters.
7. Throughout the plan preparation process the Council has consulted all adjacent county, unitary and district planning authorities in accordance with the 2004 Regulations. None raised any significant matters of concern regarding 'strategic' cross-boundary issues. A proposed Post-Submission amendment to paragraph 2.10.2 of the Plan [**MM16**] clarifies that the Council will liaise in the future with the adjoining highway authority to ensure that strategic proposals with cross-boundary implications would not have

unacceptable effects on the transportation network. The adjacent highway authority is satisfied that this amendment would address its concern in this regard. I recommend that this amendment should be made but, as it deals with co-operation over unspecified projects which may come forward in the future, I do not consider that the matter had any bearing on the Council's compliance with the Duty to Co-operate.

8. In these circumstances I am satisfied that the Council has complied with the Duty to Co-operate as imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation.

## **Assessment of Soundness**

### **Main Issues**

9. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 7 main issues upon which the soundness of the Plan depends.

### **Issue 1 – Compliance with the National Planning Policy Framework**

10. The Plan was submitted for Examination very shortly after the publishing of the government's National Planning Policy Framework. Since its submission, the Council has re-assessed the Plan to establish whether the proposed policies meet the up-to-date guidance. The Council has also sought to establish whether there is a need to include policies in the Plan as substitutes for any provisions of the former national guidance which had been regularly employed in decision making and were still relevant to local circumstances but had now been replaced.
11. This exercise resulted in the Council proposing a number of changes to the submitted Plan. The Council proposes the inclusion of the 'Model Policy' which contains the presumption in favour of sustainable development with a slight modification which qualifies the requirement that it should 'always work proactively' with applicants to find solutions [MM6]. The Council is concerned that some proposals will be clearly contrary to local and national policies and that a requirement to 'always' work towards solutions in these cases could lead to a great deal of abortive effort. I am satisfied that the Council's proposed alternative wording properly reflects the thrust of the 'Model Policy'. I agree that the change should be made to bring the Plan into line with up-to-date national guidance.
12. The Council also identified that Policy PP5 of the Plan no longer properly reflects the National Planning Policy Framework advice relating to the conversion of buildings in the countryside. The Council proposes a change to the policy to bring it into line with the up-to-date national guidance [MM10]. I agree that the change should be made.
13. To provide detail of the way in which applications for isolated new agricultural and other occupational dwellings in the countryside will be assessed, the Council proposes a new policy and text to support the stance taken in paragraph 55 of the National Planning Policy Framework. I am satisfied that the new policy will usefully supplement the advice given in the National Planning Policy Framework and that the change (and a consequential change) should be made to make the Plan effective [MM11 and MM1].

14. In response to the replacement of Planning Policy Statement 23 and to paragraphs 120 and 121 of the National Planning Policy Framework the Council proposes a new policy dealing with land affected by contamination [MM23]. I have noted comments made by a Representor regarding the detail of the SA process but I am satisfied that the policy would accord with the up-to-date national guidance and I agree that the change (and a consequential change [MM2]) should be made. A change to the text after paragraph 1.5.5 of the Plan draws attention to the Council's intention to prepare a Supplementary Planning Document (SPD) to support Core Strategy Policy CS22 dealing with flood risk [MM4]. Inclusion of the change would make the Plan more comprehensive and more effective.

## **Issue 2 – Heritage Assets**

### *Policies PP15 and PP16*

15. I consider that Policies PP15 and PP16 of the submitted Plan are muddled, contain a number of mixed messages and are not in accordance with the advice contained in paragraphs 126-141 of the National Planning Policy Framework. The submitted policies confuse the proportionate way in which the historic significance of an asset should be assessed and the distinction that the Framework makes between the ways in which designated heritage assets and non-designated heritage assets should be weighed in the decision-making process. I have noted the support given to the policies by English Heritage and their view that they are consistent with the National Planning Policy Framework. I disagree with these conclusions.
16. The Council proposes substantial changes which would involve the replacement of the submitted policies and their supporting text [MM22]. The single replacement policy sets out the process whereby all heritage assets would be similarly assessed but makes clear that the level of detail involved would be proportionate to the asset's importance. It then goes on to state that all development proposals that would affect a heritage asset would be determined in line with the advice given in the National Planning Policy Framework – this would include the distinction made between designated and non-designated assets. Whilst it has been argued that this would leave the Council with 'no substantive policy commitment of its own', the replacement policy needs to be seen alongside Core Strategy Policy CS17 which deals with the safeguarding of the whole of the historic environment. Together, the 2 policies provide a proper degree of protection.
17. The Council also proposes a change to paragraph 2.4.2 of the Plan to clarify that Policy PP4 would not apply if the development would be harmful to either a Conservation Area or a Special Character Areas [MM9]. This change remedies an omission which appeared to give more importance to non-designated assets. It has been argued that this should be expanded to include Listed Buildings and Buildings of Local Importance. However, the policy deals with loss of a building. Demolition of a Listed Building would require consent in any event and the historic significance of an individual Building of Local Importance may not, by itself, outweigh the policy. In these circumstances I am satisfied that the text, in its amended form, is properly framed.
18. Without the changes proposed by the Council, I would take the view that the Council's approach to Heritage Assets would be inconsistent with the advice contained in the National Planning Policy Framework to the extent that the

Plan would be unsound. However, the changes proposed by the Council would bring the Plan provisions into line with the national guidance and would make them clear. I agree that the changes (and a consequential change [MM3]) should be made.

### *Buildings of Local Importance*

19. The replacement policy referred to in paragraphs 15 and 16 above refers to the Council's List of Buildings of Local Importance. These are buildings and structures which, although not meeting the criteria for national designation, make a significant contribution to the local environment. The adopted Local Plan (CD026) contained such a list. In a study, the Council applied consistent criteria for the identification of suitable buildings and this led to a substantial increase in the number of identified buildings. The list is set out in Appendix C of the submitted Plan.
20. The Council's process for selecting buildings and structures for inclusion on the List involved the local Civic Society and Parish Councils and the draft List was the subject of public consultation with property owners being informed. Whilst the way in which the List was drawn up has been criticised by some Representors, I am satisfied that the methodology employed was essentially sound. In coming to this conclusion it is important to remember the purpose of the List. It is to identify buildings for their historic or townscape qualities to enable this factor to be built into balanced development decisions. Its focus is, therefore, deliberately narrow, focussing on only one particular component which would be weighed in the balance when a decision is made. It would be wrong, in my view, to take other matters such as the viability of development into account when deciding whether or not to include any particular building or structure on the List. Such an approach would undermine the integrity of the Listing process. In undertaking its survey of buildings and structures, the Council accepts that some mistakes were made. However, I agree with the Council that these relatively minor matters do not fundamentally undermine the process.
21. The List contains a wide variety of buildings and structures. The Council accepted at the Hearings that the historic and architectural significance of the buildings and structures would also vary widely. It is especially important in these circumstances that the Council's policy should make clear that the resources necessary to address the significance of the heritage asset should be proportionate. It is also important to recognise that the relative importance of non-designated heritage assets should be taken into account in a balanced judgement. I am satisfied that the changes proposed by the Council [MM22] achieve this.

### *Individual Buildings and Structures*

22. A number of Representors object to the inclusion of specific buildings on the List and I deal with these briefly below.

Central 89: 41 Priestgate

23. Although the building is a relatively recent addition to the street, it nonetheless, occupies a prominent corner location and its design and proportions are in keeping with other buildings in the street. I agree with the Council that the consistency in the design of the buildings gives the area a prosperous 'professional office' quality and assists in providing a context to designated heritage assets in the street. In these circumstances I am satisfied that the building should be included on the List.

Central 111 and 112: Former GNR railway warehouses and wall.

24. Whilst the buildings have been substantially altered in the past, they are clearly substantial and prominent structures in the townscape and the sympathetic nature of their restoration and conversion has not obscured their historic origins. The railways are an important part of the history of the city and these fragmentary vestiges of this history warrant inclusion of the buildings and wall on the List.

Fletton 11: Main Range, Whitworth's Mill.

25. The main building is a 150 year old flour mill. Although it has been substantially added to over the years, the building still retains its original elevation to the River Nene with its distinctive covered barge loading dock. In my opinion, the continuous use of the building and its unaltered river elevation provides an important link to the city's industrial past and make it worthy of inclusion in the List. I have noted the concern that the designation could place another 'hurdle' in the way of redevelopment of the land on the south side of the river. However, I do not consider that this, by itself, would justify removal of the building from the List. To do so would, as I have pointed out above, undermine the integrity of the assessment process.

West 15: 95 Thorpe Road

26. The building comprises one of a group of attractive late-Victorian houses on Thorpe Road. Individually, the buildings are unremarkable. However, collectively they add to the quality of the surroundings and provide a link to the original character of the street. Whilst I agree with the Council that the buildings are worthy of inclusion, I consider that their heritage importance is less than many other buildings and structures on the List. This would need to be taken into account in reaching balanced decisions on any proposed developments which affect the buildings.

West 22: 19 Westwood Park Road

27. The property comprises one of 3 large, individually designed houses built in the early part of the 20<sup>th</sup> century. Individually and collectively, the buildings add significantly to the quality and character of the southern part of Westwood Park Road and are worthy of inclusion on the List.
28. In these circumstances I am satisfied that there is no need to delete any of the buildings and structures included on the List of Buildings of Local Importance in order to make the Plan sound.

### **Issue 3 – Retail and Leisure Uses, District and Local Centres**



*Retail and Leisure Uses – Policies PP6, PP7 and PP8*

29. The Council proposes a change to Policy PP7 to clarify its sequential approach to locating sites for retail and leisure developments [MM14]. I agree that the change closes a 'loophole' in the sequence of locations set out in the submission version of the Policy and should be made in order to ensure that the document is effective. I have noted concerns raised that the policy makes a differentiation between retail and other town centre uses and that no such distinction is made in the National Planning Policy Framework. However, I do not consider that this would place the policy at odds with the national guidance. It is for the Council to interpret the guidance in local circumstances. I do not consider that the guidance requires that all town centre uses should be dealt with on exactly the same basis.
30. Whilst there is some overlap between Core Strategy Policy CS15 and Policy PP7, I do not consider that the hierarchy of centres in Policy CS15 should be combined with the sequential approach set out in Policy PP7. In my view the 2 policies are dealing with separate, albeit related, matters and should be applied separately.
31. Policy PP7 deals only with retail and leisure uses and not with the whole range of town centre uses. However, I do not consider that this makes the Plan unsound. Paragraph 24 of the National Planning Policy Framework contains a basic approach to sequential testing of all town centre uses which the Council could employ for uses other than retail or leisure. I do not consider that it is unsound to deal separately with particular town centre uses where the Council seeks to take a more detailed approach.
32. The Council proposes a change to paragraph 2.8.2 of the text to clarify its position on pedestrian flows [MM15]. This would make application of Policy PP8 more easily understood and more effective. I agree that the change should be made.
33. I am satisfied that Core Strategy Policy CS15 gives sufficient protection to village shops and there is, therefore, no need to change the Plan in that regard. However, the Council proposes a change to criterion (b) of Policy PP6 to clarify that a development proposal may be acceptable provided that it has no adverse effect on local community services and facilities [MM12]. A separate change to Policy PP6 clarifies the way in which employment uses in villages will be assessed [MM13]. In my view these changes are necessary to ensure a balanced approach to decision making and would make the Plan more effective.
34. Policy PP6 deals with the criteria governing leisure development in the rural area and I am satisfied that its provisions do not need repeating in Policy PP7.

*Stanground South*

35. At the time the Plan was published, the retail centre to serve the urban extension at Stanground South was not built. Since that time the centre has been developed and, at the time of the Hearings, comprised a supermarket, 6 shops and a public house. The Council accepts that the centre should now be identified in the Plan and proposes an addition to the text after paragraph 1.5.9 [MM5] and the inclusion of an appropriate centre boundary on the

Policies Map. I agree that these changes should be made to reflect the up-to-date position.

36. The Council proposes that the Stanground South centre should be designated as a Local Centre rather than as a District Centre. The centre is not identified as a District Centre in Policy CS15 of the adopted Core Strategy and paragraph 6.9.14 of the adopted document makes clear that the centre at Stanground South is likely to be a Local Centre. The Council proposes a change to the Glossary (contained in Appendix E of the Plan) to include definitions of District and Local Centres [**MM28**]. In my view, notwithstanding that the supermarket on site is quite large, the centre at Stanground South more neatly falls within the definition of a Local Centre at present. I can see no sound planning reason for the designated area being expanded to cater for what could be larger retail units – units which should more appropriately be located in the city centre. Designation of the centre as a Local Centre is more likely to attract a range of shops which would serve the needs of the local population. In these circumstances, I agree with the Council that the centre should be designated as a Local Centre. There is, therefore, no need to change Policy PP7 of the Plan to make reference to it.

#### *Hampton Centre*

37. Hampton Centre is designated as a District Centre by Policy CS15 of the adopted Core Strategy. The issue of the size of the District Centre was considered as part of the Examination of the Council's adopted Site Allocations Development Plan Document (SADPD). In that case the Inspector concluded that the District Centre boundary should not be expanded as, to do so, would 'run counter to the thrust of Core Strategy Policy CS15, which seeks to direct comparison goods retail development to the City Centre as first preference'. Paragraphs 48 and 49 of the Inspector's Report makes clear that he was not only considering the effect of the boundary on housing allocations but was also considering retail policy implications.
38. Hampton District Centre is already much larger in terms of the amount of gross floor area dedicated to Class A1 - A5 uses than any other designated District Centre. I agree with the SADPD Inspector and the Council that further substantial and unfettered expansion of the centre could be harmful to the attractiveness of the City Centre as a shopping location especially as the District Centre provides large amounts of free parking. I have taken into account arguments that expanding the District Centre boundary would allow a more 'planned' development of the Centre. This may be the case if further 'unplanned' and incremental out-of-centre retail proposals were certain to come forward. This cannot, however, be guaranteed. In any event, I am satisfied that Policy CS15 of the Core Strategy and Policy PP7 of this Plan (with appropriate amendment) would provide a sufficiently robust basis for resisting such proposals. To allocate a large area for District Centre expansion to accommodate out-of-town retailing proposals would simply ensure that such proposals would come forward. I am satisfied, in these circumstances, that the Council's definition of the District Centre boundary is sound.
39. The Council proposes an addition to the designated Hampton District Centre boundary to allow provision of a Local Centre [**MM5**]. On the face of it such a relationship – with a Local Centre immediately alongside a District Centre – appears somewhat incongruous. However, the change needs to be considered alongside the proposed change to the Plan's Glossary which defines Local and

District Centres [**MM28**]. These definitions set out the type of shops and services which the different type of Centre would provide. The Council wishes to expand the Centre's range of shops meeting local convenience needs. Core Strategy Policy CS15 gives the Council the necessary policy basis for controlling the type of new retail development that would be provided. By designating the extension of the District Centre as a Local Centre, the Council can more easily prevent the extension from being taken up by another single large retailer which would serve only to reinforce the role of the District centre rather than catering for the day-to-day needs of the more local population. In these circumstances, I am satisfied that the Council's approach is sound. The Policies Map will need amendment to show the proposed Local Centre boundary.

#### **Issue 4 – Open Space Standards, the Nene Valley, Landscaping and Biodiversity**

##### *Open Space Standards*

40. The Council proposes changes to the Plan to explain more clearly how Policy PP12 of the Plan will be applied and to more closely define the types of open space being referred to [**MM17, MM18, MM26 and MM27**]. In my view these changes would more accurately reflect the flexible approach which the Council intends to take to provision where standards would not be rigidly applied but would be tailored to meet specific needs and would take account of existing provision in the area. I am satisfied that it is not the Council's intention to make up any existing quantitative deficiencies in open space but rather to seek a sensible balance of open space types.
41. In Appendix B of the Plan no specific quantitative requirement is made for children's play space provision. The Council accepts that, taken in crude, cumulative terms, if children's play space is added at the rate that it has been required in the past, the Plan would impose greater requirements for open space provision than the previous Local Plan. However, at the Hearings, the Council made clear that there could be some 'overlapping' of different types of open space and the increased overall cumulative requirement would not necessarily be required. This is set out in a change which the Council proposes [**MM18**]. The Council explained that the overall increase in the cumulative requirement resulted from an additional requirement being made by Natural England for space for Local Nature Reserves or equivalent. The basis for this additional requirement is set out in Policy CS21 of the adopted Core Strategy.
42. I accept that some of the larger elements of open space infrastructure such as Neighbourhood Parks would be difficult to provide within the confines of most housing development sites. The Council's standards set a quantitative standard for Neighbourhood Parks and I consider that this is proper given that the space is designed to serve the needs of the new residential population. Policy PP12 is clear that, where on-site provision is inappropriate, a financial or 'in-kind' contribution towards provision elsewhere would be acceptable. It may be that these would be contributions which would need to be pooled in order to achieve an appropriate scale of provision. In order for the necessary obligations governing such an arrangement to satisfy the tests set out in paragraph 204 of the National Planning Policy Framework, the Council would need to identify a suitable scheme. No scheme is referred to or allocated in the Plan or in the adopted SADPD. However, I do not consider that this is fatal to the soundness of the Plan. It would be for the Council to work together with

developers to develop appropriate ways forward and there could be a range of potential options. If no suitable option can be identified, it is possible that the Council, employing the more flexible approach embodied in their policy, may require alternative provision of open space of a different type to achieve equivalent quantitative provision. I do not consider that such an approach would be unsound.

43. With regard to Country Park provision, the Plan contains no quantitative requirement. I accept that provision of features of this scale would rarely be capable of being accommodated on individual sites. They are much more likely to be provided through 'pooled' contributions. If contributions towards provision were required, the legal obligations would need to satisfy the National Planning Policy Framework tests and, at present, with no clear indication of what the Country Park would involve or where it would be provided, it seems at best unlikely that the tests would be satisfied. This, of course, is not to say that the tests could not be satisfied in the future if the Council brought forward a suitable proposal.
44. Given that the requirement for Country Parks is so specific, would probably involve only one or 2 schemes and does not specify a quantitative requirement, I do not consider that the Council could justify transferring the requirement to another type of open space as any legal obligation would be unlikely to meet the National Planning Policy Framework tests. In these circumstances, I am satisfied that the Council's approach is sound.
45. The Council has identified that there is a need for all-weather sports surfaces and has included a requirement for such provision as part of its overall requirements. Again, legal obligations securing delivery of these facilities will need to meet the tests of the National Planning Policy Framework. The Council could seek alternative types of open space provision if there were sufficient all-weather surfaces already in an area. I accept that seeking a separate contribution with regard to all-weather surfaces could be argued to remove some of the flexibility of approach which the Council is seeking. However, the restriction would be relatively minor and I do not consider that inclusion of the requirement would make the Plan unsound.
46. Given that the Council is not seeking to address existing quantitative deficiencies in open space provision through the application of Policy PP12, I am satisfied that a requirement that developers should contribute towards maintenance costs is appropriate. It would appear that some developers have found difficulty in agreeing the adoption of open space by the Council in the past. However, I have seen no clear evidence to support this claim. Clearly there are provisos to the Council agreement to adopt and these are set out in paragraph 2.12.5. I am satisfied that this approach, if properly applied, is sound.
47. I appreciate that the Council's standards may be difficult to achieve in rural areas where housing sites are generally smaller and open space requirements may be more difficult to meet on site. Even with contributions being 'pooled' it may be difficult to achieve provision in locations which may be of direct benefit to the community in which the new housing is located. However, local bodies will need to work with the Council to ensure that, when financial contributions are made, they are used to maximum effect.

48. The Council proposes changes to clarify that the criteria for accessibility to open space set out in Appendix B of the Plan are only guidelines [**MM26**]. With regard to 'amenity greenspace', the Council's proposed change [**MM27**] gives more detail of what these areas would comprise. I consider that these changes provide sufficient clarity and, in order that the Plan should be effective, I agree that they should be made. I am satisfied that no standard can be set for the provision of these spaces as they will be determined by the design approach which is adopted for the particular development.

*Nene Valley – Policy PP13*

49. The area subject to Policy PP13 is already shown on the Local Plan Proposals Map and there is therefore no need for the Council to repeat that information in this Plan. The Council intends to produce a composite Policies Map showing the 'carried forward' information alongside new information derived from the Core Strategy, the SADPD and the Planning Policies DPD.
50. Policy CS20 of the adopted Core Strategy deals with landscape character and gives protection to all 6 identified landscape character areas, including the Nene Valley. However, the Council considers that, because of the specific pressures and issues affecting the Nene Valley, the area should be subject of a separate policy which would direct development. I am satisfied that this is a sound approach.
51. The Council proposes changes which will draw attention to the status of the Nene Valley as part of the Nene Valley Nature Improvement Area announced by the Secretary of State in 2012 [**MM19 and MM21**]. I am satisfied that these changes should be made in order that the Plan is effective.

*Landscape and Biodiversity*

52. The Council proposes a change to part (d) of Policy PP14 of the Plan which removes the implication that developers may be required to protect or enhance water environments which lie outside their sites and over which they have no control [**MM20**]. I agree that such a requirement – even if it is only implied – could not be justified and I agree that the proposed change should be made.
53. Policy CS21 of the adopted Core Strategy provides appropriate protection to areas which are important for biodiversity. In my view Policy PP14 of the Plan draws a proper balance between the need to retain and protect trees and natural features of significance and the needs for development in other circumstances. It would be inappropriate to require that, in all cases, protection should be given and such an approach would be contrary to the advice in paragraph 118 of the National Planning Policy Framework. Whilst I accept that use of the term 'significant contribution' is open to interpretation, I am satisfied that it is appropriate in this case in that it enables the Council to come to a proper conclusion. I can see no sound planning reason why the policy should specifically refer to recently planted trees such as those contained in shelter belts.
54. Paragraph 2.14.3 of the Plan gives examples of what the Council describe as wildlife 'corridors' or 'stepping stones' and indicates that these would be protected within the term 'trees and natural features'. The list is not intended to be exhaustive and I am satisfied that the text adequately illustrates the

Council's meaning and intentions. I am satisfied that, when read alongside Core Strategy Policy CS21, its supporting text and the National Planning Policy Framework provisions, the Plan provides a degree of protection which is sufficiently comprehensive without the need to itemise every aspect of the natural environment.

### **Issue 5 - Individual Villages - Inset Maps, Boundaries and related matters**

55. The Council proposes a change which introduces a paragraph of text after paragraph 1.5.9 of the Plan to draw attention to changes that it proposes to make to, amongst other things, the Proposals Map (now referred to as the Policies Map) [MMS]. I agree that the change which is proposed should be made in order that the Plan is effective. I deal below with some of the specific issues raised by Representors.

Castor

56. Conservation Areas are designated nationally for the preservation or enhancement of the character or appearance of their special architectural or historic interest. They are not intended as a tool for the general control of development in other areas and could be extended only as part of a proper evaluation process. The Conservation Area boundary cannot be simply extended through the development planning process.

Deeping Gate

57. The land to the rear of 79 Riverside comprises a large area of rough grassland with strong mature hedges on either side but an open boundary to the lane at the rear. To the east of the site, the village envelope closely encloses existing development. However, this site and the land to the west contain no development fronting the lane at the rear. In my view, the site is properly excluded from the village envelope as its character and appearance are much more akin to the surrounding farmland than they are to the development within the village. I appreciate that a garage has been built on the land but this is very close to the house on Riverside and does not, by itself, justify inclusion of this substantial, undeveloped area within the village envelope.

Land south of Helpston

58. The land comprises 2 pairs of residential properties on the east side of Heath Road; one pair occupying sites which are, or were, also used for commercial activities. The sites of the houses are physically separated from development in the main part of the village and are some distance from the main amenities in the village centre. Although a 'ribbon' of frontage development extends from the main part of the village south along the west side of Heath Road, the 2 pairs of houses appear clearly separate from other development in the area.
59. I appreciate that the Council has identified village envelopes around some settlements which are made up of scattered elements. However, in the examples put before me the elements are significantly larger than the isolated sites which are under consideration here.
60. I am satisfied that the village envelope for Helpston has been properly drawn and I can see no sound planning reason why it should be altered in the manner suggested.

#### Land at Guntons Road, Newborough

61. The land in question is occupied by a group of 6 houses and is separated from the southern edge of the main village by a gap of about 200 metres of open agricultural land. Visually the site is clearly separate from the village and it is some distance from the main village amenities.
62. There is a site within the group which has obvious potential for infilling and I note the local support which has been given to such a proposal. However, that, by itself, is not sufficient reason to include the land within the village envelope.
63. Whilst I note that, in other instances, the Council has drawn up village envelopes which incorporate a number of scattered groups of buildings, I have seen no examples where an isolated element would be both as small and as distant from the main built-up area as the group under consideration here.
64. In these circumstances I can find no clear planning reason for finding that the Council's approach is unsound.

#### Stables and paddock at Wothorpe

65. The site comprises paddock land with a stables block. While I accept that such establishments can be often found on the edge of villages, my impression of the site was that it was clearly part of the surrounding countryside. This was confirmed by views into the site from the adjacent cul-de-sac and from the nearby main road. The site is only separated from the adjacent countryside by what appear to be post and rail fences whereas there is a clear boundary to the built-up part of the settlement.
66. In these circumstances I can see no clear reason why the site should be included within the village envelope.

#### Land to north-east of Wothorpe.

67. On plans of the area, the land in question appears to be enclosed on 3 sides by development. However, when walking the well-used footpath which crosses the site, this is not immediately obvious. Although the footpath is closely enclosed by dense holly hedges, there are glimpses to either side of large gardens containing many trees and the existing buildings do not dominate.
68. The land is clearly different in character to the open fields to the north-east and an existing hedge forms a strong natural boundary to those fields. Nonetheless, the open qualities of the land in question provide a transition between the open agricultural landscape and the built-up part of the village. Development of the site, even in the form of well-spaced 'prestige' houses would make this transition much more abrupt.
69. In these circumstances I am not persuaded that there are strong grounds for including the land within the village envelope.

#### Home Farm, Leicester Road, Thornhaugh

70. The area in question comprises a cluster of about 12 houses and converted agricultural buildings in an isolated position in open countryside. As part of the

Examination I visited the group and inspected its relationship to the village of Thornhaugh.

71. The Council's settlement hierarchy was established at the Core Strategy stage. This divides settlements outside the city into Key Service Centres, Limited Growth Villages and Small Villages. Core Strategy Policy CS1 names the villages falling into each category. The village of Thornhaugh is categorised as a Small Village in the Core Strategy although I understand that no boundary of the settlement was identified at that time. The main part of Thornhaugh is about 2 km away from the group of buildings in question. Whilst the group may have administrative connections with the main village, I am satisfied that the degree of physical separation and the clear difference in character between the group and the village is such that the group cannot be considered as a separated part of that settlement.
72. The question then arises should the group be treated as a village in its own right? The group forms a small, tight cluster but it contains no community facilities and has no clear central focus. There are other clusters of buildings in the countryside, some of which contain many more houses than this group, which are also not categorised as villages. I can see no sound reason for considering that this group of buildings should be treated as a separate and distinct settlement which should be designated by a village envelope.
73. I do not accept that the Plan's approach to this cluster of buildings is at odds with the National Planning Policy Framework's guidance on sustainable housing in rural areas. I do not consider that identification of the cluster as a defined settlement would have any significant beneficial effect on the vitality of the rural community. Some Representors have suggested that any settlement boundary should cover an area which includes a number of small paddocks - land which is clearly beyond the built-up area. However, even if a boundary was drawn fairly tightly around the group of buildings, the identification of the group as a defined settlement is only likely to result in further houses being built in what is essentially an unsustainable location well away from local services and facilities.
74. Since the Core Strategy was adopted I am not aware that there has been any significant change in circumstances which would warrant re-appraisal of the settlement hierarchy. The Plan should conform to the Core Strategy. In these circumstances I am satisfied that the Plan is sound in that it does not define a village envelope around this group.

#### Eye and Thorney

75. The Inspector examining the Council's Site Allocations DPD recommended the inclusion of a housing site on the edge of Thorney and indicated that the Proposals Map should be changed accordingly. A copy of the duly amended Inset Plan was included with the submitted version of the Plan currently under examination. As the matter has already been addressed by the previous Inspector, I do not need to take any further action although I agree that the change should be made.
76. A Representor has raised a number of issues concerning the sufficiency of the evidence base insofar as it affects Eye and Thorney. The issue of new housing developments at Eye and Thorney was fully considered during the Examination of the Site Allocations DPD. Whilst he recognised that some local



highway improvements to the A47 would be made necessary by the proposed developments, the Inspector was satisfied that the infrastructure (including the highway infrastructure) could cope with the increase in population. I have seen no clear evidence to suggest that this situation has changed in the meantime. I have no grounds therefore for introducing changes through this Plan to address the deficiencies perceived by the Representor. Policy CS12 of the Core Strategy makes clear that planning permission will only be granted where sufficient infrastructure capacity exists to support the development. In my view this gives sufficient protection against overloading of the highway infrastructure.

77. The same Representor raised similar issues regarding the affordable housing and open spaces evidence bases. However, I am satisfied that the documents concerned are relatively up-to-date and that there is no evidence that they are inherently flawed. In these circumstances, I do not consider that there are any sound reasons for making changes to the Plan.

### **Issue 6 – Parking Standards and Transport Matters**

78. The Council has proposed a change to the informative notes accompanying the parking standards set out in Appendix A of the Plan to indicate that residential parking spaces would normally be expected to be provided within individual plots although it accepts that there may be specific cases where other arrangements may be preferable [MM25]. I agree that this change should be made to clarify the Council's position and to make the Plan effective.
79. Except for residential developments, the parking standards set out in Appendix A of the Plan are expressed as maximum targets. Standards for residential developments are expressed as minimum targets. However, the notes at the beginning of the Appendix make clear that, in the city centre and in locations where there is good access to public transport and to areas of public parking, lower standards may be appropriate. I would expect that most, if not all, District Centres as well as some other locations would meet these latter criteria. I can see no clear reason, therefore, why the plan should be changed to specifically refer to developments in District Centres as warranting a reduced level of car parking provision.
80. The Council proposes a change to paragraph 2.10.2 of the text of the Plan to clarify that it will liaise with adjoining highway authorities in circumstances where strategic projects would have cross-boundary traffic implications [MM16]. The change emphasises the importance of continuing cross-border co-operation and I agree that, in the interests of effectiveness, the change should be made.
81. The Council also proposes a change to Appendix A to clarify the meanings of 'cycle stand' and 'cycle space'. Whilst I agree that this change would provide clarity I do not consider that it goes to the soundness of the Plan and I have not, therefore, included it in the list of Main Modifications.

### **Issue 6 – Terminology and Wording Issues.**

82. Some Representors consider that the wording and terminology employed in the Plan are too subjectively framed to give clear guidance. The Plan needs to avoid being overly prescriptive as this could hinder creativity and innovation.

It, therefore, needs to be capable of taking a balanced view of all material considerations. Many of these considerations are, by their very nature, only capable of being assessed subjectively in a particular set of circumstances. Nonetheless, the council has proposed changes to paragraphs 2.3.1 and 2.3.3 of the text to clarify that the 'minimum standards' of internal space which are referred to will be set out in a forthcoming Supplementary Planning Document (SPD) [MM7 and MM8]. I am, therefore, satisfied that, with these changes, the wording employed is proper in the particular circumstances in which it is used.

## Issue 7 – Monitoring and Implementation

83. The Council has proposed a significant change to its Implementation and Monitoring strategy table set out in Part 3 of the Plan [MM24]. The change introduces more precise indicators and targets which will be measured to assess the efficacy of policies of the Plan together with 'triggers' which will alert the Council to the need for review. Analysis of appeal decisions which deal with planning refusals based on the individual policies would allow the Council to assess its own application of the policies against an independent opinion. I am satisfied that targets set at 20% of decisions would not be inappropriate. In these circumstances, I agree that this change should be made as it will ensure that the effectiveness of the Plan is regularly assessed and that any shortcomings can be addressed.

## Assessment of Legal Compliance

84. 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 Plan is identified within the approved LDS April 2012 which sets out an expected adoption date of December 2012. The Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations		The SCI was adopted in February 2008. Consultation, including the consultation on the post-submission proposed 'Main Modification' changes (MM), has been compliant with the requirements therein except where the contents of the adopted SCI have been overtaken by requirements and procedures for plan preparation introduced by the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. Where the SCI contents have been overtaken, the Council has followed the more up-to-date Regulations.
Sustainability Appraisal (SA)		SA has been carried out and a Supplementary SA has been carried out on the Council's proposed Main Modifications. The SAs are adequate.
Habitats Regulations Assessment (HRA)		The Habitats Regulations HRA has been carried out and is adequate.
National Policy		The Plan complies with national policy as set out in the National Planning Policy Framework, except where indicated and Main Modifications are

	recommended.
Regional Strategy (RS)	I am satisfied that the Plan is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS. This is summarised in paragraph 1.5 of the Plan.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

- 85. 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.**
- 86. 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 Council Planning Policies Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Roland Punshon*

**Inspector**

This report is accompanied by the Appendix containing the Main Modifications

## Appendix 1 – 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 any text or policy to be deleted and setting out the replacement or additional text or policy.

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 or any re-numbering that may be required.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	7	Para 1.5.5	In the table, in the row for 'CS1: The Settlement Hierarchy and the Countryside', insert 'PP** – Agricultural, Forestry and other Occupational Dwellings in the Countryside'
MM2	8	Para 1.5.5	In the table, in the row for 'CS16: Urban Design and the Public Realm', insert 'PP** – Development on Land Affected by Contamination' into the second column.
MM3	8	Para 1.5.5	In the table, in the row for 'CS17: The Historic Environment', delete 'PP16 – Buildings of Local Importance'
MM4	8	After para 1.5.5	After the table in paragraph 1.5.5, insert a new paragraph to read: 'Core Strategy policy CS22 addresses the issue of development and flood risk. Detailed guidance on what a developer will need to do to manage the flood risk and drainage implications of their proposed development, in order to satisfy that policy, will be set out in a Flood and Water Management Supplementary Planning Document (see paragraph 3.0.1)'
MM5	9	After para 1.5.9	After para 1.5.9 insert a new paragraph to read: 'As a result of this DPD, the Policies Map has been amended in respect of primary shopping areas, primary retail frontages, local centres, village envelopes, conservation areas, buildings of local importance, protected green spaces, open spaces or gaps in frontages, treed or hedged frontages, walls or railings in villages, scheduled monuments and county wildlife sites.'  NB In order for the Plan to be sound, the Council's Proposals/Policies Map will need to be amended to include the revised and new details shown on the revised version of the Proposals Map included in the Plan. This should also include the inclusion of the boundary of the Stanground South Local Centre, as shown on the map included as Appendix A to Core Document CD110.
MM6	11	Before Policy PP1 Design Quality	Insert the following new policy and text:  <b>'Policy PP** - Presumption in Favour of Sustainable Development</b>  <b>When considering development proposals the city council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will seek to work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic,</b>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><b>social and environmental conditions in the area.</b></p> <p><b>Planning applications that accord with the policies in this Local Plan and other development plan documents in the Peterborough Local Development Framework (and, where relevant, with polices in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</b></p> <p><b>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:</b></p> <p><b>(a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</b></p> <p><b>(b) specific policies in that Framework indicate that development should be restricted.</b></p> <p>This policy sets out the council's fundamental approach to development in the light of the National Planning Policy Framework. The city council's objective is to secure development that is sustainable and helps to meet the objectives of the Peterborough Local Development Framework, as expressed in the Peterborough Core Strategy.</p> <p>The council will seek to work proactively with applicants except where a planning application is clearly contrary to the Plan and the National Planning Policy Framework, and there is little prospect of any amendment that would make it acceptable.</p> <p><b>Relationship to Core Strategy policies and objectives:</b></p> <p><b>This policy supports:</b> Core Strategy policies: All Core strategy objectives: All'</p>
MM7	14	Para 2.3.1	At the end of the third sentence, after the word 'tenure' insert: 'in accordance with guidance to be set out in a forthcoming Supplementary Planning Document.'
MM8	14	Para 2.3.3	In the second sentence, after the words 'Supplementary Planning Document' insert: ' , as referred to in paragraph 2.3.1 above,'
MM9	15	Para 2.4.2	After the words 'would be' insert: 'harmful to the character or appearance of a conservation area or'
MM10	16	Policy PP5	Delete criterion (a)
MM11	17	After para 2.5.3	<p>Insert a new policy PP**, with supporting text to read as follows:</p> <p><b>'Policy PP** – Agricultural, Forestry and other Occupational Dwellings in the Countryside</b></p> <p><b>Planning permission for a permanent dwelling in the countryside to enable an agricultural worker to live at, or in the immediate vicinity of, their place of work will only be granted to support existing agricultural activities on a well-</b></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><b>established agricultural unit, providing that:</b></p> <p><b>(a) there is a clearly established existing functional need (i.e. it is essential for the proper functioning of the enterprise for one or more workers to be on the site for all or most of the time); and</b></p> <p><b>(b) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement; and</b></p> <p><b>(c) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so; and</b></p> <p><b>(d) the functional need cannot be fulfilled by an existing dwelling or the conversion of an existing building on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker concerned; and</b></p> <p><b>(e) all other relevant planning policies in the statutory development plan are satisfied.</b></p> <p><b>These criteria will be applied on a similar basis to proposals for new forestry dwellings and to dwellings which are claimed to be needed in association with other enterprises where a countryside location is an essential requirement. In the case of the latter, a pre-requisite for any dwelling is that the enterprise itself must have planning permission.</b></p> <p><b>Planning permission will not be granted for a new permanent dwelling in association with a proposed or newly established enterprise in the countryside. In such cases, if a functional need is demonstrated, there is clear evidence of a firm intention and ability to develop the enterprise and there is clear evidence that the enterprise has been planned on a sound financial basis, permission may be granted on a temporary basis for no more than three years for a caravan, mobile home or wooden structure which can easily be dismantled.</b></p> <p>Policy CS1 of the Peterborough Core Strategy DPD places a restriction on development in the countryside, although an exception may be made for development that is demonstrably essential to the effective operation of such activities as local agriculture, horticulture and forestry. Residential development in the countryside may be justified when required to enable agricultural, forestry and certain other full-time workers to live at, or in the immediate vicinity of, their place of work.</p> <p>It will often be as convenient and more sustainable for such workers to live in the city of Peterborough, or nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close to, the site of their work. Whether this is essential in any particular case will depend on the</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>needs of the enterprise concerned and not on the personal preferences or circumstances of any individuals involved.</p> <p>Where permission is being sought for a dwelling under this policy, the city council will require the applicant to supply sufficient information to demonstrate that both the functional and financial tests are satisfied. The functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. In applying this test, the city council will consider matters such as:</p> <ul style="list-style-type: none"> <li>• the scale and nature of the enterprise</li> <li>• the potential for things to go wrong or need attention unexpectedly or at short notice</li> <li>• the frequency of such events</li> <li>• the ability for a person living off the site to deal with such events</li> <li>• the period of time over which events occur.</li> </ul> <p>If a functional need is established, the city council will then consider the number of workers needed to meet it, and the dwelling should be of a size commensurate with the established functional requirement and economic viability of the enterprise. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of the dwelling that is appropriate.</p> <p>Any temporary planning permission in association with a proposed or newly established enterprise will only be granted at a location which would be suitable for a permanent occupational dwelling, and will always be subject to a condition requiring the removal of the caravan, mobile home or structure and the reinstatement of the land to its original condition at the end of the temporary period. The city council will not normally grant successive extensions to a temporary permission over a period of more than three years.</p> <p>Whenever permission is granted under policy PP**, suitable conditions will be attached to restrict occupancy of the dwelling and, if necessary, to remove certain permitted development rights relating to residential extensions.</p> <p><b>Relationship to Core Strategy policies and objectives</b></p> <p><b>This policy supports:</b></p> <p>Core Strategy policies: CS1 - The Settlement Hierarchy and the Countryside CS8 - Meeting Housing Needs Core Strategy objectives: OB7 - Balanced Mixed Housing'</p>
MM12	17	Policy PP6	In criterion (b) delete 'help to support' and replace with: 'not adversely affect'.
MM13	17	Policy PP6	In the last sentence, after the words 'provided that' insert: 'all of criteria (a) to (f) are met and, in the case of a conversion,'.
MM14	19	Policy PP7	Delete the second and third bullet points in first paragraph and replace with: <ul style="list-style-type: none"> <li>• Second Level - edge of the Primary Shopping Area for</li> </ul>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>retail development; edge of the centre for leisure development</p> <ul style="list-style-type: none"> <li>• Third Level - edge of the centre for retail development</li> <li>• Fourth Level - out of centre.</li> </ul>
MM15	20	Para 2.8.2	In the last sentence delete 'a viable level' and replace with: 'a level that would maintain the viability of the centre'.
MM16	23	Para 2.10.2	At the end of the paragraph, add: 'It will also liaise with the adjoining highway authority, where appropriate, to ensure that strategic developments with cross boundary transportation implications would not result in an unacceptable impact on any element of the transportation network.'
MM17	25	Policy PP12	Delete first sentence and replace by: 'All residential development within Use Classes C3 and C4 will be required to provide open space. The starting point for calculating the requirement will be the standards set out in Appendix B.'
MM18	25	Para 2.12.3	Finish the paragraph after the first sentence and create a new second paragraph.  At the beginning of the next resulting paragraph, before the words 'The council will generally encourage' insert: 'The standards for the different types of open space will not necessarily be applied in a cumulative way, as one type of open space may be capable of performing more than one function. For example, a developer may be able to meet the neighbourhood park and children's play standards by incorporating a children's play area within a neighbourhood park.'
MM19	27	Para 2.13.1	Add the following to the end of the sentence: 'and forms part of the Nene Valley Nature Improvement Area, announced by the Secretary of State for the Environment in 2012.'
MM20	29	Policy PP14	In criterion (d), delete the first sentence and replace it with: 'where necessary and feasible, the protection and enhancement of water quality and habitat of any aquatic environment within the site, and any aquatic environments adjoining the site which are linked to the site via watercourses or drainage infrastructure or groundwater.'
MM21	29	Para 2.14.2	Delete second sentence and replace with: 'This will be particularly important where a particular habitat or species is subject to a Biodiversity Action Plan or where the site of the proposed development falls within the Nene Valley Nature Improvement Area.'
MM22	31	Policies PP15 and PP16 and associated text	Delete policies PP15 and PP16 and their accompanying text (paragraphs 2.15.1 to 2.16.4); and replace with:  <b>"Policy PP** - Heritage Assets</b> <b>All development proposals that would affect any heritage asset will be required to:</b> <b>(a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic, artistic or archaeological interest; and</b> <b>(b) identify the impact of works on the special character of the asset; and</b> <b>(c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.</b>



Ref	Page	Policy/ Paragraph	Main Modification
			<p><b>The level of detail required should be proportionate to the asset's importance and sufficient to understand the potential impact of the proposal on its significance and/or setting.</b></p> <p><b>Designated heritage assets in Peterborough comprise Scheduled Monuments, Listed Buildings, Conservation Areas and Registered Parks and Gardens. Non-designated (Local) heritage assets are those included in the Peterborough Historic Environment Record; Buildings of Local Importance identified in Appendix C; and, in villages, those green spaces, open spaces and gaps in frontages, treed and hedged frontages, and substantial walls and railings, all as identified on the Proposals Map.</b></p> <p><b>The work required under (a) to (c) should reference the Historic Environment Record (HER) and other information such as historic maps; the Peterborough Landscape Character Assessment (2007); Conservation Area Appraisals and Management Plans; Peterborough's List of Buildings of Local Importance; the Design and Development in Selected Villages SPD; and the Peterborough Special Character Areas.</b></p> <p><b>All development proposals that would affect a heritage asset will be determined in accordance with national policy in the National Planning Policy Framework.</b></p> <p>The historic environment of Peterborough is extremely rich and varied and is a key part of the identity of the district, with 29 conservation areas, over 1,000 listed buildings, 67 scheduled monuments, historic parks and gardens and a distinctive landscape character. These and other heritage assets are an important record of the area's social and economic history as well as being an amenity for local residents. The conservation and enhancement of the historic environment is a key objective of the Peterborough LDF (in particular, the Core Strategy and this Planning Policies DPD). The council will balance the need for development with its duty to protect its heritage assets.</p> <p>Peterborough's conservation areas make a very important contribution to promoting and protecting the attractiveness of the district. The council has a programme of review and preparation of conservation area appraisals and design guidance.</p> <p>Listed buildings are a heritage of national importance and are designated by English Heritage in recognition of their special architectural or historic interest. For historic buildings to retain their value as living historic records and their contribution to the identity and character of the area, the guiding principle is to preserve the fabric, special features and setting of the building.</p> <p>Peterborough has many buildings and structures which, although not meeting the national criteria for listing, contribute significantly to the historical, architectural and social character of our city and villages, and have value to local communities.</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>A 'local list' has been prepared using adopted selection criteria, and all of the buildings and structures on the list appear in Appendix C. More detailed information about each building and structure, including the reasons for selection, appear in the council's publication "Buildings of Local Importance in Peterborough" (2012). Locally listed buildings do not have additional statutory protection. However, the city council has the ability to remove 'permitted development rights' via Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 to preserve the character and appearance of any such building.</p> <p>Archaeological remains are an important part of Peterborough's historic environment. They constitute an important resource for understanding our past, and often survive as significant landscape features. Archaeological remains are a finite and non-renewable resource and, in many cases, they are highly fragile and vulnerable to damage and destruction. There is a presumption in favour of physical preservation of remains <i>in situ</i> wherever possible. In the case of application sites which include, or could potentially include, heritage assets with archaeological interest, the council will require the developer to carry out a preliminary desk-based assessment and/or a field evaluation. The results of these will inform the plan and decision-making processes at predetermination stage. In advance of the loss of a potential heritage asset at a post-determination stage, further archaeological mitigations may be attained through the implementation of a programme of suitable archaeological investigations.</p> <p>The district takes in a remarkably diverse landscape from deep fen and fen edge to clay and limestone 'uplands'. The Peterborough Landscape Character Assessment (2007) identifies this unique landscape character and its features. It sets out six landscape character areas which have shaped the built environment. Development proposals should respect the fundamental character of these areas in order to contribute to the conservation and enhancement of the historic environment, in accordance with Core Strategy policy CS20.</p> <p>Peterborough contains eight historic parks and gardens, which are of national and/or local importance. The Cathedral Precincts, Milton Park, Burghley Park and Thorpe Park are formally registered by English Heritage. Other areas of significant parkland are the grounds and surroundings of Walcot Hall, and the parklands west of Ufford, west of Bainton and south-west of Thorney.</p> <p>There are a number of areas within the district which do not satisfy conservation area designation but have a distinctive mature character and local identity worthy of protection. Three Special Character Areas (Wothorpe, Ashton and the environs of Thorpe Road, Thorpe Avenue and Westwood Park Road) each have a strong landscape character and low density development patterns that together provide high environmental quality.</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>In the villages, there are many open areas, substantial walls, hedges, and treed frontages that are an essential and valued feature of village character. As heritage assets, these features are identified on the Proposals Map. Green space often provides an important visual or amenity function. An open space or a gap in a built-up frontage allows key views into and out of a village. Substantial treed or hedged frontages, traditional walls or railings are invariably positive features in the street scene.</p> <p><b>Relationship to Core Strategy policies and objectives</b></p> <p><b>This policy supports:</b></p> <p>Core Strategy policies: CS17 – The Historic Environment CS20 – Landscape Character</p> <p>Core Strategy objectives: OB3 – Urban and Rural Character and Distinctiveness OB26 – Urban Fabric and Public Realm,</p>
MM23	36	After para 2.18.7	<p>Insert a new policy PP**, with supporting text to read as follows:</p> <p><b>'Policy PPXX – Development on Land Affected by Contamination</b></p> <p><b>All new development must take into account the potential environmental impacts on people, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.</b></p> <p><b>Where development is proposed on a site which is known or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the city council as the first stage in assessing the risk.</b></p> <p><b>Planning permission will only be granted for development if the city council is satisfied that the site is suitable for its new use, taking account of ground conditions, pollution arising from previous uses and any proposals for land remediation. If it cannot be established that the site can be safely and viably developed with no significant impacts on future users or ground and surface waters, planning permission will be refused.</b></p> <p>A number of recognised secondary aquifers lie beneath Peterborough that contribute to river flow and are used locally for small-scale water supply. Land affected by contamination can pose a risk to surface waters and groundwater contained within these aquifers. Peterborough's industrial legacy therefore presents a heightened potential risk in this context which should be managed accordingly.</p> <p>In addition, land affected by contamination may pose an unacceptable risk to human health, the environment, the built environment and economic activities, through its impacts on the</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>users of the land, and on neighbouring users. Land contamination, or the possibility of it, is therefore a material planning consideration in taking decisions on individual planning applications.</p> <p>Where pollution issues are likely to arise, intending developers should hold pre-application discussions with the city council, the relevant pollution control authority and stakeholders with a legitimate interest. In these circumstances, the submission of a preliminary risk assessment is a requirement for validating relevant planning applications.</p> <p>Preliminary assessments and any subsequent additional information should be carried out in accordance with the Environment Agency's Contaminated Land Report 11 (CLR 11) 'Model Procedures for the Management of Land Contamination', which is available at:</p> <p><a href="http://www.environmentagency.gov.uk/research/planning/33740.aspx">http://www.environmentagency.gov.uk/research/planning/33740.aspx</a></p> <p>There is additional advice in the Environment Agency's 'Guiding Principles for Land Contamination' documents at:</p> <p><a href="http://www.environmentagency.gov.uk/research/planning/121619.aspx">http://www.environmentagency.gov.uk/research/planning/121619.aspx</a></p> <p>If additional technical guidance is produced by the Government or any recognised independent body with the relevant expertise, the council will take that into account in making decisions in accordance with the above policy.</p> <p>In cases where planning permission is granted for development of a site on which the presence of contamination is known or suspected, the responsibility for safe development and secure occupancy of the site rests with the developer and/or landowner.</p> <p>The city council will determine planning applications on the basis of the information available to it, but cannot be held liable if that information is subsequently proved to be inaccurate or inadequate.</p> <p><b>Relationship to Core Strategy policies and objectives</b></p> <p><b>This policy supports:</b></p> <p>Core Strategy policies: CS16 – Urban Design and the Public Realm  Core Strategy objectives: OB20 – Sites of Environmental Importance  OB24 – River Nene  OB26 – Urban Fabric and Public Realm'</p>
MM24	38	Para 3.0.9	Replace the monitoring framework table with the new table, as set out in Appendix 1A below.
MM25	48	Appendix	In the 'Informative Notes' following Class C3 and C4

Ref	Page	Policy/ Paragraph	Main Modification
		A	<p>developments insert the following note after the first paragraph:</p> <p>'For C3 and C4 developments, car parking spaces for occupants should normally be provided on-plot, except in the case of flats or for specific urban design reasons where the most appropriate design solution would require a communal car park or garage court.'</p>
MM26	55	Appendix B	<p>Delete the title of the column headed 'Accessibility standard' and replace by: 'Accessibility guidelines'</p> <p>Add '*' symbol against the third column now headed 'Accessibility Guidelines'.</p> <p>Insert a footnote, to read: '*Accessibility guidelines are included as a guide and these could be used in identifying the overall level of new open space provision to be provided in new development.'</p>
MM27	55	Appendix B	<p>In the column headed "Open space type" delete entries and replace by the following definition/description of each open space type:</p> <p>'Neighbourhood parks ( A landscaped area with formal and informal planting, typically between one and six hectares in size, providing for a range of activities that may include outdoor sports facilities and playing fields, children's play for different age groups and informal recreational pursuits including sitting out and walking)</p> <p>Country parks (A large landscaped setting which may include a variety of natural features, or formal planted areas, typically over ten hectares in size. Country parks should provide for a wide range of recreational activities, including outdoor sports facilities and playing fields, children's play for different age groups and informal recreational pursuits including sitting out and walking. Nature trails, cycle routes, formal picnic areas, interpretation facilities, refreshments and toilets are likely to be included)</p> <p>Children's play (Equipped areas specifically for play, including such facilities as toddler's play spaces, adventure play grounds, ball games areas and skate parks, providing for a range of age groups)</p> <p>Natural greenspace (An area of woodland, shrubs, grassland, heath or moor, wetland or open water, where the public have a legal or permissive access)</p> <p>Allotments (open spaces where the primary uses is allotment gardening or community farming)</p> <p>Playing pitches/outdoor sports (open spaces formally laid out for specific outdoor sports, including football, cricket, rugby and hockey pitches, synthetic turf pitches, tennis courts, basketball courts and bowling greens)</p> <p>Amenity greenspace ( small pockets of grass, trees or landscaped areas which are an integral part of the design and layout of the</p>

Ref	Page	Policy/ Paragraph	Main Modification
			development)'  Delete the entry in the 'Quality standard' box for Amenity greenspace and replace with: 'Amenity greenspace should be of appropriate quality to enhance the appearance of the development, whilst being capable of easy maintenance'  In the 'Quality standard' box for Children's play, after the word 'facility' insert: 'and located to avoid disturbance to residents'.
MM28	69	Appendix E	Add the following definitions to the Glossary:  'District Centre – an area, defined on the Policies Map, which usually comprises groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.'  'Local Centre – an area, defined on the Policies Map, which usually includes a range of small shops of a local nature, serving a small catchment. Typically, local centres might include, amongst other shops, a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and laundrette. In rural areas, large villages may perform the role of a local centre.'  'Primary Shopping Area – an area, defined on the Policies Map, where retail development is concentrated (generally comprising the primary and those secondary frontages which are contiguous and closely related to the primary shopping frontage).'

### Appendix 1A – Table referred to in Main modification MM24 above.

Policy	Indicator	Target	Trigger
PP** – Presumption in Favour of Sustainable Development	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused planning applications are allowed on appeal over five years
PP1 – Design Quality	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused Planning applications are allowed on appeal over five years
PP2 - Impacts of New Development	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal	Review this policy if more than 20 per cent of the refused planning applications are

		over a five year period	allowed on appeal over five years
PP3 - Amenity Provision in New Residential Development	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused planning applications are allowed on appeal over five years
PP4 – Prestigious Homes	Number of planning permissions granted or refused on the basis of this policy	None granted, unless exceptions in the policy are met.	Review this policy if more than two planning applications are granted permission contrary to this policy over five years
PP5 – Conversion and Replacement Dwellings in the Countryside	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused planning applications are allowed on appeal over five years
PP** - Agricultural, Forestry and other Occupational Dwellings in the Countryside	Number of planning Permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused planning applications are allowed on appeal over five years
PP6 – The Rural Economy	Net change in floorspace and/or land for employment uses in the rural area	Net increase in floorspace and/or land for employment uses in the rural area over a five year period	Review this policy if there is no net increase in employment uses in the rural area over five years
PP7 - Development for Retail and Leisure Uses	Net change in retail and leisure floorspace (gross and net) by location	Net increase in retail and leisure floorspace (gross and net) in accordance with PP7 locational hierarchy	Review this policy if more than 25 per cent of additional floorspace is granted permission in out of centre locations over five years
PP8 – Primary Retail Frontages in District Centres	Amount of completed A1 floorspace (gross and net) by location	Maintain or increase by 2026	Review this policy if there is significant loss of A1 uses in Primary Retail Frontages in District Centres over five years
PP9 – Shop Frontages, Security Shutters and Canopies	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused Planning applications are allowed on appeal over five years
PP10 – The	Number of planning	No more than 20 per	Review this policy if

Transport Implications of Development	permissions refused on the basis of this policy which were allowed on appeal	cent of the refused planning applications are allowed on appeal over a five year period	more than 20 per cent of the refused Planning applications are allowed on appeal over five years
PP11 – Parking Standards	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused Planning applications are allowed on appeal over five years
PP12 – Open Space Standards	Area of new accessible open space provided as a result of new residential developments	Secure provision in line with Appendix B standards	Review this policy if open space standards are not met on a regular basis over five years
	Number and area of land designated as Local Nature Reserves	Increase by 2019	Review this policy if none come forward by 2019
PP13 – Nene Valley	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused Planning applications are allowed on appeal over five years
PP14 – The Landscaping and Biodiversity Implications of Development	Number and area of county wildlife sites	Maintain or increase by 2019	Review this policy if the number and/or area of county wildlife sites has decreased by 2019
	Improved local biodiversity – active management of local sites	Improve	Review this policy if the local biodiversity – active management of local sites has not improved within five years
PP** – Heritage Assets	Number of entries for Peterborough on English Heritage's Heritage at Risk (HAR) Register	Reduce	Review this policy if the number of entries for Peterborough on English Heritage's Heritage at Risk (HAR) Register has not reduced within five years
	Number of entries on Peterborough's Heritage at Risk Register	Reduce	Review this policy if the number of entries for Peterborough's Heritage at Risk Register has not reduced within five



			years
	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused Planning applications are allowed on appeal over five years
PP17 – Ancient, Semi-Natural Woodland and Ancient and Veteran Trees	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused planning applications are allowed on appeal over five years
PP18 – Habitats and Species of Principal Importance	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused Planning applications are allowed on appeal over five years
Policy PP** – Development on Land Affected by Contamination	Number of planning permissions refused on the basis of this policy which were allowed on appeal	No more than 20 per cent of the refused planning applications are allowed on appeal over a five year period	Review this policy if more than 20 per cent of the refused planning applications are allowed on appeal over five years