

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No 4
22 OCTOBER 2013	PUBLIC REPORT

Cabinet Member(s) responsible:	Councillor Marco Cereste - Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer(s):	Simon Machen - Head of Planning, Transport and Engineering Services Emma Naylor – Strategic Planning Officer	Tel. 453475 Tel: 863881

APPLICATION TO DESIGNATE A NEIGHBOURHOOD AREA (BRETTON PARISH COUNCIL)

RECOMMENDATIONS	
FROM : Head of Planning, Transport and Engineering Services	Deadline date : 22 October 2013
<p>1. That Bretton Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment).</p> <p>2. That the neighbourhood area is not designated as a business area.</p>	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to the Committee following the receipt of an application from Bretton Parish Council to designate a neighbourhood area, in accordance with the procedures contained in the adopted Peterborough City Council Statement of Community Involvement (page 36).
- 1.2 Members will recall that on 11 June 2013 you approved four other neighbourhood areas. This area, if approved, would then become the fifth neighbourhood area in Peterborough.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to provide the Committee with recommendations for the determination of Bretton Parish Council's application to designate a neighbourhood area. The reasoning behind said recommendations is included within this report. It is expected that the Committee will determine the application following consideration of the recommendations and the reasons provided.
- 2.2 This report is for the Committee to consider under its Terms of Reference 2.5.1.1 and Schedule 2.5.3 of part 3, section 2, of the Constitution, 'to exercise the functions of the Council under the Town and Country Planning Act 1990, specifically "Determination of applications to designate a neighbourhood area (including whether the designated area should be a business area)."

3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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4. **CONSIDERATION OF APPLICATION**

4.1 The Localism Act 2011

The Localism Act 2011 introduced (into the Town and Country Planning Act 1990) the concept of neighbourhood development plans and neighbourhood development orders. Neighbourhood development plans and orders can be prepared by a 'relevant body' (notably a parish council or recognised neighbourhood forum), for a designated neighbourhood area.

Neighbourhood plans and orders are optional. There is no statutory requirement for a plan or order to be prepared for any area.

Following the enactment of the Localism Act 2011, relevant bodies can opt to apply for the designation of an area as a neighbourhood area and, subject to the successful designation of the neighbourhood area, subsequently prepare a neighbourhood plan and/ or order for said area.

4.2 Application

As a parish council, Bretton Parish Council automatically qualifies as a relevant body under section 61G(2) of the Town and Country Planning Act 1990.

Bretton Parish Council proposes that the whole of the parish area be designated as a neighbourhood area.

The reason put forward by the parish council for the area proposed was:

“Bretton Parish Council resolved to apply to designate a neighbourhood area. It was agreed that the whole of the parish as identified on the map be put forward for a neighbourhood area.

The parish council believes the most sensible neighbourhood area designation is for the whole of the parish to be designated.”

4.3 Factors for consideration

The appropriateness of the proposed neighbourhood area has been considered: consequently, the recommendations outlined at the start of this report are put forward for consideration by the Committee.

In line with section 61 of the Town and Country Planning Act 1990, the following factors have been taken into consideration as part of the assessment of the appropriateness of the area.

- i) Whether the specified area falls entirely within Peterborough City Council's area.
- ii) Whether the specified area, in whole or part, has already been designated as a neighbourhood area, and whether there are any other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reasons provided by the parish council as to why the area is appropriate.
- iv) All representations received during the six week consultation period.

v) Whether the proposed area should be designated as a business area.

5. CONSULTATION

5.1 Bretton Parish Council's application to designate a neighbourhood area was received on 24 July 2013. A six week consultation period on the application ran from Friday 2 August 2013 to 5pm on Thursday 12 September 2013. The application, and the opportunity to comment, were advertised on the Council's website, on Bretton Parish Council's website, at Bretton Library, at Bretton Parish Council's office, at the Pyramid Community Centre and at the Tysedale Community Centre. The adjoining parish councils, Castor and Marholm, were notified. Relevant ward Councillors and portfolio holders were notified.

5.2 During the six week consultation, the following comments were received.

	Comment
1	<p>"I write as someone who lives near to Bretton Park and attends the church of England Church of the Holy Spirit at Bretton Centre.</p> <p>I strongly support the application for Bretton to be designated as a neighbourhood area. I hope this will lead to drawing up of a neighbourhood plan and to significant money from the new community infrastructure levy becoming available to the parish council. There are many worthy projects on which this could be spent but I hope some of it will be allocated to improving Bretton Park including some new areas of woodland and tree planting."</p>
2	<p>"I would wish to comment on the above [Bretton neighbourhood area application]:</p> <ul style="list-style-type: none">• A wonderful opportunity to keep expansion and development under the control of those who are in a better position to represent and understand how any development would affect the lives and the many community aspects of our neighbourhood in Bretton."

6. ANTICIPATED OUTCOMES

6.1 It is anticipated that the Committee will determine the application to designate a neighbourhood area following consideration of the recommendations and the reasons for these recommendations made herein.

6.2 The Committee are able to choose one of the following three options for the application: Option A, 'area approved, without amendment'; Option B, 'area approved, with minor amendments'; Option C 'minded to approve an area, but only if significant amendments are made which are subject to a further round of consultation'. The Committee is not permitted in law to reject the proposal outright.

6.3 The Committee must also decide whether it is appropriate to designate the area as a business area.

7. REASONS FOR RECOMMENDATIONS

7.1 Recommendations:

- 1) That Bretton Parish Council's application to designate a neighbourhood area is approved without amendment (Option A - approval without amendment).
- 2) That the area is not designated as a business area.

7.2 Reasons for recommendations:

- i) The specified area falls entirely within Peterborough City Council's area.
- ii) The specified area, in whole or part, has not already been designated as a neighbourhood area, and there are no other outstanding applications to designate any part of the area specified as a neighbourhood area.
- iii) The reason stated on the application form is considered justified.
- iv) Consultation responses (see 5.2):
Two consultation responses were received: both of these supported the principle of the application and did not provide any comment on the proposed boundary.
- v) Paragraph 4.4.25 (page 37) of the city council's Statement of Community Involvement states that in reaching its decision on whether to designate a neighbourhood area as a business area, the city council will take into account whether the area is wholly or predominantly business in nature; the number of people residing in the area; and the results of public consultation. Although the area has two notable local business areas (the Bretton Centre in the centre of the parish and the industrial business area to the north eastern edge of the parish) the parish of Bretton is predominately residential. Furthermore, no representations in relation to the designation of the area as a business area were received during the consultation period. In light of these considerations, it is not deemed appropriate to designate the area as a business area.

7.3 Summary: It is considered that the whole of the parish is a logical and appropriate area for designation as a neighbourhood area and that the neighbourhood area should not be designated as a business area.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 As outlined in Section 6 'Anticipated Outcomes', the options from which recommendation '1' above is selected and which are available to the Committee are:

Option A: 'area approved, without amendment';

Option B: 'area approved, with minor* amendments';

Option C: 'minded to approve an area, but only if significant* amendments are made which are subject to a further round of consultation'.

** Page 36 of the Statement of Community Involvement outlines what is classed as a 'minor' and 'significant' amendment.*

8.2 It is recommended that Options B and C are discounted. It is not considered that minor or significant amendments would result in a more appropriate or strategic neighbourhood area and as such it is not considered that either minor or significant amendments to the area would derive any significant benefits.

8.3 In relation to recommendation '2', the alternative option is that the neighbourhood area is designated as a business area. It is recommended that this option is discounted in light of the fact that the parish is not wholly or predominantly business in its nature, as is the criteria stipulated in the Localism Act 2011 for the designation of business areas.

9. IMPLICATIONS

The designation of the Neighbourhood Area will have some implications.

9.1 Legal Implications

The Council must act in accordance with the legislative requirements regarding neighbourhood planning (introduced via the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012 during the processing of applications to designate neighbourhood areas; and in accordance with the consultation and engagement arrangements described in the Peterborough Statement of Community Involvement. These processes have been adhered to. The Committee must approve Option A, B or C for the application, but is not permitted to refuse the application outright.

9.2 **Financial Implications**

There are no financial implications associated with the designation of a neighbourhood area. There is however financial implications associated with the subsequent provision of assistance to the parish council and delivery of statutory requirements during the preparation and adoption stages of their neighbourhood plan and/ or order. These will be met from existing budgets.

9.3 **Cross-service Implications**

The designation of a neighbourhood area has implications for the Communications Team: it will be required to prepare and issue a press release detailing the designation.

10. **BACKGROUND DOCUMENTS**

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

- Two written responses to consultation on proposed neighbourhood area, held on file.

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