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6 May 2008

To: Councillors Dr DR Bard and NIC Wright, Portfolio Holders
Monitors / Dr SA Harangozo Opposition Spokesman (Growth and
Spokesmen, Sustainable Communities)
for
information:

SGM Kindersley	Opposition Spokesman (Growth and Sustainable Communities)
DH Morgan	Scrutiny and Overview Committee Monitor (Growth and Sustainable Communities)
CR Nightingale	Scrutiny and Overview Committee Monitor (Planning Services)
AG Orgee	Scrutiny and Overview Committee Monitor (Growth and Sustainable Communities)
JF Williams	Opposition Spokesman (Planning Services)

Dear Sir / Madam

You are invited to attend the next meeting of **GROWTH AND SUSTAINABLE COMMUNITIES / PLANNING SERVICES PORTFOLIO HOLDERS' JOINT MEETING**, which will be held in **JEAVONS ROOM, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 14 MAY 2008 at 10.00 a.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

AGENDA		PAGES
1.	Declarations of Interest	
2.	Minutes of Previous Meeting	1 - 4
DECISION ITEMS		
3.	Supplementary Planning Documents - Public Art, Trees and Conservation	5 - 108
	The sustainability documents can be viewed on the Council's website by visiting www.scambs.gov.uk/meetings and following the links to the relevant Portfolio Holder meeting.	

- | | | |
|-----------|---|----------------------|
| 4. | St Denis Church, East Hatley | To
Follow |
| 5. | Building Control charges for additional services | 109 -
114 |

INFORMATION ITEMS

- | | | |
|-----------|---------------------------------------|----------------------|
| 6. | End of year performance report | 115 -
118 |
|-----------|---------------------------------------|----------------------|

STANDING ITEMS

- | | | |
|-----------|---------------------|----------------------|
| 7. | Forward Plan | 119 -
122 |
|-----------|---------------------|----------------------|

Drafts attached. The Portfolio Holders and lead officer are requested to identify items, particularly those that are key, for inclusion in Portfolio Holder forward plans.

- | | | |
|-----------|---|--|
| 8. | Date of Next Meeting
To establish a preferred day, time and frequency for meetings in 2008-09, and to decide whether to continue with joint meetings or to hold separate Portfolio Holder meetings in the interests of clarity. | |
|-----------|---|--|

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of the Growth and Sustainable
Communities / Planning Services Portfolio
Holders' Joint Meeting held on Wednesday, 12
March 2008 at 10.00 a.m.

PRESENT: Councillors Dr DR Bard (Growth and Sustainable Communities Portfolio Holder) and NIC Wright (Planning Services Portfolio Holder), Portfolio Holders

Councillors in attendance:	AG Orgee	Scrutiny and Overview Committee Monitor (Growth and Sustainable Communities)
	MJ Mason	Vice-Chairman, Scrutiny and Overview Committee

Officers:	Jonathan Dixon	Principal Planning Policy Officer (Transport)
	David Grech	Principal Conservation Officer
	Gareth Jones	Corporate Manager, Planning & Sustainable Communities
	Keith Miles	Planning Policy Manager
	Ian Senior	Democratic Services Officer
	Jane Thompson	Cultural Services Manager

29. DECLARATIONS OF INTEREST

Councillor Tony Orgee declared a personal interest as a member of Cambridgeshire County Council.

30. NOTES OF PREVIOUS MEETING AND MATTERS ARISING

The Portfolio Holder for Growth and Sustainable Communities and Planning Services Portfolio Holder agreed that the Minutes of the meeting held on 16 January 2008 were a correct record.

With reference to minute no. 23 (Draft Capital and Revenue Estimates), the Corporate Manager (Planning and Sustainable Communities) reiterated that the "viability study at Cambourne" related to the retention of consultants at a cost of £30,000.

With reference to Minute no. 24 (Dux ford Airfield Revised Conservation Area Appraisal), officers would be asking the Imperial War Museum to issue a formal invitation to the Cabinet to meet with them to explore a number of issues and concerns about the proposal.

31. OPEN SPACES

The Portfolio Holder for Growth and Sustainable Communities considered a report seeking agreement to publish the draft Open Space in New Developments Supplementary Planning Document (SPD) for consultation. They noted the following minor changes, made by officers at the meeting, to Appendix 1:

Paragraph 2.7

Size of Dwelling	No. of occupants
1 Bedroom	1.34
2 Bedrooms	1.75
3 Bedrooms	2.42
4 Bedrooms or more	3.32

Paragraph 2.8

Size of Dwelling	Formal Sport (m ²)	Children's Play (m ²)	Informal open space (m ²)	Total (m ²)
1 Bedroom	21.4	0 (no change)	5.4	26.8
2 Bedrooms	28	14	7	49
3 Bedrooms	38.7	19.4	9.7	67.8
4 Bedrooms or more	53.1	26.6	13.3	93.0

Paragraph 2.24 – second line to read, “...provision of on-site or off-site facilities that directly meet the needs of the...”

Paragraph 2.26 – to read, “...the Council will also require a Commuted Maintenance sum for 5 years for “pump priming” initial support for on-site and off-site provision where contributions are used to improve existing facilities or pooled (potentially with other sources of funding) to create new facilities. These facilities are provided partly to meet the direct needs of the new community but will also cater for wider demand from existing communities.”

The Portfolio Holder for Growth and Sustainable Communities welcomed the introduction of a clear formula for calculating commuted sums but acknowledged the difficulty in establishing a link between specific developments and the off-site provision of public open space.

Those present discussed

- the need to distinguish between commuted payments for additional facilities and those for the maintenance of existing ones
- suggested minimum distances between play areas and residential properties
- the suitable security of play areas such as to tackle anti-social behaviour
- clear definition of the age-range catered for at different play areas
- the consultation process
- distinctions between open space and balancing ponds
- provision in Section 106 Legal Agreements for the payment of parish councils' legal costs

The Portfolio Holder for Growth and Sustainable Communities

APPROVED for consultation: the following documents:

- Draft Open Space in New Developments Supplementary Planning Document

- Final Sustainability Appraisal Report
- Sustainability Appraisal Scoping Report Addendum

32. SURFACE WATER DRAINAGE

The Portfolio Holder for Growth and Sustainable Communities noted consultation on improving surface water drainage, published by the Department for the Environment, Food and Rural Affairs (DEFRA).

He endorsed the desirability that there be Member input on the subject but recognised the resource implications for officers. Acknowledging that the consultation related, in the main, to the Council as drainage authority, the Planning Policy Manager recognised its relevance in a planning context as well.

The Corporate Manager (Planning and Sustainable Communities) undertook to establish an informal meeting between the Corporate Managers for Planning and Sustainable Communities and Health and Environmental Services, and the Portfolio Holders for Planning Services, Growth and Sustainable Communities and Housing and Environmental Services in order to agree the Council's formal response to DEFRA's consultation on improving surface water drainage, due for submission before 29 April 2008.

33. CYCLING DEMONSTRATION TOWNS

The Portfolio Holder for Growth and Sustainable Communities noted this request from Cambridgeshire County Council and, while supporting it in principle, said it should extend beyond the "necklace" villages immediately around Cambridge.

34. PERFORMANCE REPORT

The Planning Services Portfolio Holder and Portfolio Holder for Growth and Sustainable Communities received a report updating them about performance against the relevant service plans.

Those present discussed

- resource issues
- the need for Member involvement in Section 106 negotiations relating to Northstowe
- public art commitments

35. SERVICE PLAN

The Planning Services Portfolio Holder and Portfolio Holder for Growth and Sustainable Communities assessed the effectiveness of the draft service plan for 2008-09 in meeting the Council's corporate objectives.

36. FORWARD PLAN

The Planning Services Portfolio Holder and Portfolio Holder for Growth and Sustainable Communities noted their respective Forward Plans.

37. DATE OF NEXT MEETING

The next formal meeting would take place on Wednesday 14 May 2008. Prior to that meeting, the Planning Policy Manager undertook to establish an informal meeting to consider the Council's response to consultation from the National Air Traffic Service.

The meeting ended at 12.25 p.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Portfolio Holder for Growth and Sustainable Communities	14 th May 2008
AUTHOR/S:	Director of Planning and Sustainable Communities / Senior Planning Policy Officer / Arts Development Officer / Conservation Area and Design Officer	

**LOCAL DEVELOPMENT FRAMEWORK -
CONSULTATION ON SUPPLEMENTARY PLANNING DOCUMENTS****Purpose**

1. The purpose of this report is to seek agreement for a number of Supplementary Planning Documents (SPD) to be published for consultation. The SPDs to be consulted on are as follows –
 - Public Art
 - Development Affecting Conservation Areas
 - Trees and Development Sites

Background

2. The purpose of supplementary planning documents is to expand on policies set out in Development Plan Documents and to provide additional detail. The Council has adopted a number of Development Plan Documents (DPD) that form part of the Local Development Framework. The three SPDs that have been currently prepared relate to policies contained within the adopted Development Control Policies DPD, and in the adopted Area Action Plans for Northstowe; Cambridge East; and Cambridge Southern Fringe.

Process for preparing the Supplementary Planning Documents

3. The draft SPDs have been prepared in consultation with the relevant specialist officers within the Council. Similar to the DPDs, Sustainability Appraisals have to be carried out on all SPDs to appraise the social, environmental and economic effects of the proposals contained within each SPD. These will be consulted on alongside the draft SPDs. Consultations are currently being carried out with the three statutory bodies on the Sustainability Appraisal Scoping Report Addendum for the Conservation Area SPD. There will be a verbal update at the meeting.
4. As part of the process of preparing an SPD there must be an opportunity for representations to be made on their content. If agreed by the Portfolio Holder, the three SPDs and their accompanying documents will be subject to six weeks of public consultation. This is anticipated to take place in June along side the consultation for the Open Space in New Development SPD, to enable a more efficient and effective consultation exercise.
5. The Council will then consider the representations on the draft SPDs and make any relevant changes to the SPDs as a result of comments received. A report will then be made to Cabinet on the representations submitted, and Cabinet will make the decision whether to adopt the documents.

The three SPDs being considered

Public Art SPD

6. This document includes a policy encouraging the provision or commissioning of Public Art in new developments within South Cambridgeshire. This is a continuation of the existing Public Art Policy that was adopted by this Council in February 2004. The Public Art SPD supports policies in the Development Control Policies DPD adopted in July 2007. The SPD will provide further detail on the policies contained in this DPD.
7. The SPD defines what is meant by the term Public Art. It also provides an outline of the wider benefits of having Public Art included within new developments. The SPD continues the policy of encouraging developers to dedicate between 1% and 5% of the associated construction costs of the capital project to Public Art.
8. The SPD gives clear guidelines for developers to encourage them to include Public Art within proposed development schemes. The SPD includes a development process flow chart that will indicate what information is required in order to ensure that developers will know how to include Public Art within their planning applications. There is also detail of the legal agreements that would be required to achieve Public Art in a scheme. This has the benefit of making it a transparent and open process for developers where requirements are known in advance.
9. The Council is considering setting up a Public Art Support Group that will be responsible for looking at Public Art proposals submitted with planning applications. This group will be convened by the Arts Development Officer and made up of officers, councillors and invited specialists concerned with Public Art. At present such schemes are considered as part of the planning application process.

Development Affecting Conservation Areas SPD

10. This document is intended to supplement policy CH/5 of the Development Control Policies DPD and to provide applicants and agents with further guidance as to how the national planning policy guidance set out in Planning Policy Guidance (PPG) note 15 is interpreted in the local context. The document gives guidance for both new developments and works to existing buildings, as well as guidance on demolition of existing structures within conservation areas.

Trees and Development Sites SPD

11. This document is intended to provide guidance to applicants and agents preparing development proposals that may impact on trees, both protected trees (ie those covered by Tree Preservation Orders or sited within a Conservation Area) and trees that are unprotected but of significance. Protection of these trees is based on guidance set out in the current British Standard BS5837 (Trees in Relation to Construction; Recommendation). In addition it also provides guidance to owners of protected trees on the application process and criteria used to assess those applications.

Implications

12.	Financial	Each relevant new development will require a Planning Obligation (Section 106) Legal Agreement, based on a national model agreement, to secure Public Art
	Legal	

Staffing	Staffing will be required to manage the consultation process, although this can be accommodated within existing resources.
Risk Management	No significant risks. The Consultation responses will highlight any issues for further consideration by the Council.
Equal Opportunities	Not affected

Consultations

13. The Council’s Legal team, Appeals, Major Development Team and Development Control officers have been consulted during the preparation of the Supplementary Planning Document.

Effect on Corporate Objectives and Service Priorities

Work in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future
The SPDs will provide a framework for planning within South Cambridgeshire and will assist in improving the environment of the district.
Deliver high quality services that represent best value and are accessible to all our community
The SPDs will contribute to providing good design and a quality environment for our community to live in within South Cambridgeshire.
Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work
The SPDs will provide a framework of planning policies to enhance the built and natural environment in South Cambridgeshire.

Recommendations

14. It is recommended to agree the following documents for consultation:
 - Draft Public Art Supplementary Planning Document
 - Draft Development Affecting Conservation Areas Supplementary Planning Document
 - Draft Trees and Development Sites Supplementary Planning Document
 - Final Sustainability Reports for each of the three SPDs
 - Sustainability Appraisal Scoping Report Addendums, where produced, for the SPDs.
15. It is recommended that authorisation be given to the Director of Planning and Sustainable Communities to be able to make minor amendments to the above documents.
16. It is recommended that consideration be given to the setting up of a Public Art Support Group.

Background Papers: the following background papers were used in the preparation of this report:

Public Art in new development – leaflet published by South Cambridgeshire District Council

Ixia (Public Art Think Tank) Public Art and the Planning System and Process in England – Guidance on a Supplementary Planning Document for Public Art (July 2007)

Development Control Policies DPD

Northstowe Area Action Plan

Cambridge East Area Action Plan

Cambridge Southern Fringe Area Action Plan

South Cambridgeshire Design Guide

PPG 15 Planning and the Historic Environment

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Local Development Framework Public Art

Supplementary Planning Document
Consultation Draft May 2008

Published by South Cambridgeshire District Council

© May 2008

Gareth Jones, BSc. (Hons), MRTPI – Corporate Manager

**If you would like a copy of this document
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South Cambridgeshire District Council on
08450 450 500 or email ldf@scambs.gov.uk**

CONTENTS

	Page
Chapter 1 Introduction to the Supplementary Planning Document	1
Purpose	1
Policy context	2
Benefits of Public Art	3
LDF Policy	3
Chapter 2 What is Public Art	5
Definitions	5
Chapter 3 Funding	7
Percentage for art	7
On site provision	7
Off site financial contributions	7
Maintenance and decommissioning	8
Chapter 4 Implementing Public Art	9
What schemes are eligible	9
Who does what	9
Public Art themes	9
Public Art Plan	9
Public Art Support Group	10
Freestanding artwork	10
Development flow chart	10
The Flow Chart	11
Appendix 1 Who does what – principles of good practice	15
The role of the artist	15
The role of the developer	15
The role of South Cambridgeshire District Council	17
The role of the community	17
Appendix 2 Template for Section 106 Agreement	19
Appendix 3 Case Studies	35
Appendix 4 Further information	39
Appendix 5 Public Art Consultants	41

CHAPTER 1

INTRODUCTION TO THE SUPPLEMENTARY PLANNING DOCUMENT

- 1.1 This Supplementary Planning Document (SPD) for Public Art prepared by South Cambridgeshire District Council (SCDC) forms part of the Local Development Framework (LDF). It sets out the Council's strategy to encourage the provision of Public Art within the district and it advises developers, parishes and other agencies on its implementation across the district.
- 1.2 Public Art is regarded as a process of engaging artists' creative ideas in the wider community and encompasses many art forms and approaches. Its defining quality is the artist's inspiration, and the strength of this idea or concept to link together the artwork with the local community and the place it is to be located.
- 1.3 The SPD supports policies in the Development Control Policies Development Plan Document (DPD) adopted in July 2007 and in Area Action Plans for a number of growth areas around Cambridge City and for the new settlement of Northstowe. The SPD will be used in the determination of planning applications.
- 1.4 The SPD defines what is meant by Public Art within South Cambridgeshire. The Council encourages all developers seeking planning permission for their proposals (whether comprising new build, rehabilitation, restoration, or external landscape work), to consider how Public Art may be integrated within their schemes. The SPD outlines what level of contributions will be sought and how provision of Public Art can be achieved.

PURPOSE

- 1.5 The objective of this SPD is to assist achievement of the Development Control Policies DPD objective SF/d: **To encourage the provision of public art in new development.**
- 1.6 Specific objectives for this SPD are as follows –
 - Ensure that new development benefits from appropriate schemes for Public Art in order to enhance the built or natural environment and/or meet the needs of residents
 - Provide practical guidance to developers about how Public Art should be included when a planning application is submitted particularly how it is to be referenced/incorporated within Design and Access statements.
 - Assist applicants for planning permission by informing them about what contributions may be sought and why and how provision and payments should be made.

- Ensure that all schemes provided are properly managed and maintained for continuing community benefit

POLICY CONTEXT

- 1.7 There are key documents at national, regional and sub-regional levels that support the provision of Public Art in new developments. These are referenced in detail in Appendix 4.
- 1.8 At a national level Planning Policy Statement 3 – *Housing* highlights that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities. Local Planning Authorities should aim to create places, which have their own distinct identity and maintain and improve local character. The inclusion of Public Art within new developments will assist in creating this distinctive nature.
- 1.9 Planning Policy Statement 1 – *Delivering Sustainable Development* states that community involvement is an essential element in delivering sustainable development and creating sustainable and safe communities. In developing the vision for their areas, planning authorities should ensure that communities are able to contribute to ideas about how that vision can be achieved, have the opportunity to participate in the process of drawing up the vision, strategy and specific plan policies, and to be involved in development proposals. The inclusion of Public Art in a scheme could assist the involvement of the community and help in creating a vision.
- 1.10 At a sub-regional level Cambridgeshire Horizons¹ has produced an Arts and Culture Strategy² as part of their Quality of Life programme. Cambridgeshire Horizons worked with a range of partners to develop this Strategy that ensures that arts and cultural facilities are improved by opportunities created by planned new development. This strategy places art in the public realm within the wider context of cultural infrastructure for sustainable communities.
- 1.11 As a consequence of the sub-regional Arts and Cultural strategy, the Arts Forum for Cambridgeshire and Peterborough approved in 2007 a Public Art implementation framework³ that seeks to promote:
- *artistic activity and the creation of new and original artwork of the highest standard*
 - *a high quality and well-designed public realm, valued by those who live and work in or visit each locality*
 - *participation and involvement in artistic activity that addresses inclusion, creativity, diversity and innovation*

¹ Cambridgeshire Horizons is a non-profit making company set up by the Cambridgeshire Local Authorities to drive forward the development of new communities and infrastructure in the Cambridge Sub-region, in accordance with the approved Structure Plan.

² http://www.cambridgeshirehorizons.co.uk/Document_links_det.asp?id=3435

³ http://www.scams.gov.uk/admin/documents/retrieve.asp?doc=1&pk_document=905854

BENEFITS OF PUBLIC ART

- 1.12 The benefits of Public Art relate to social, economic, environmental and cultural factors. Public Art can:
- Actively contribute to integrating village groups and neighbourhoods, promoting community cohesion through socially engaged arts activity
 - Create unique images that, as symbols, can be used to promote places, generating pride of place and a sense of local identity.
 - Enhance the fundamental principles of urban design, to better improve the quality of the built environment and create distinction and character.

SOUTH CAMBRIDGESHIRE LDF POLICY

- 1.13 South Cambridgeshire District Council will see the largest amount of housing and employment growth in the East of England Region. The population of South Cambridgeshire is estimated to grow from 137,000 (2005 figures) to 193,350 by 2021. The scale of the challenge facing the Council is to embrace this new population, and to adapt to the changes that housing and commercial growth will bring. The Council has prepared a LDF to guide this development.

Area Action Plans

- 1.14 Four of the areas where growth is planned have Area Action Plans, which form part of the LDF, and within these there is a policy requirement for specific Public Art Plans to be prepared. The provision of Public Art in these growth areas will help to provide a sense of place and distinctiveness. The areas are -
- Northstowe (Area Action Plan adopted July 2007)
 - Cambridge East (AAP adopted February 2008 – prepared jointly with Cambridge City Council)
 - Cambridge Southern Fringe (AAP adopted February 2008)
 - North-west Cambridge (AAP Preferred options consultation – October 2007 – prepared jointly with Cambridge City Council)

Development Control Policies DPD

- 1.15 The following policy setting out the requirements for Public Art within South Cambridgeshire is included in the Development Control Policies DPD.

POLICY SF/6 Public Art and New Development

1. In determining planning applications the District Council will encourage the provision or commissioning of publicly accessible art, craft and design works.

2. The Public Art policy will apply to:

- a) Residential developments comprising 10 or more dwellings; and**

b) Other developments where the floor area to be built is 1,000m² gross or more, including office, manufacturing, warehousing and retail developments.

3. On smaller developments, developers will be encouraged to include Public Art within their schemes as a means of enhancing the quality of their development.

4. Contributions and commuted maintenance sums for up to 10 years will be required, to include the cost of decommissioning where appropriate.

CHAPTER 2

WHAT IS PUBLIC ART

DEFINITIONS

- 2.1 South Cambridgeshire District Council takes a broad view of Public Art, which is understood to be “a process of engaging artists’ creative ideas in the public realm”.⁴
- 2.2 Artwork in the public realm is varied in form and function and includes:
- **Permanent Works**
Large scale three-dimensional artworks such as site specific sculpture; gateway and water features; kinetic works; landmarks; architectural sculpture, land art; commemorative works such as memorials, inscriptions, plaques, artist designed street furniture such as fencing, paving, railings, security screening, tree grills, lighting, seating, bollards, markers and milestones. Integrated two and three-dimensional works such as architectural glass, door furniture, painted works, mosaic/ceramic murals.
 - **Temporary, Ephemeral or Time-Based Commissions**
Exhibitions; photo and audio visual media including documentary works; projected or filmic works; text based works; hoarding/screening; performance; publications; installation; street theatre; festival; carnival and event based works;
 - **Interior Commissions**
Fine and applied art; craft; sculpture; architectural glass; textiles; photography; prints; floor treatments; bespoke furnishings

What work will be considered as Public Art?

- 2.3 It is important for local authorities, for design teams, for artists and the wider public to understand from the outset what does or does not constitute Public Art. For the purposes of this document the criteria are that:
- Commissioned work should be original and by a living professional artist.
 - The work should result from an open procurement process.
 - Works should not be a mass-produced object, a reproduction of an original artwork or a previously unrealised design.
 - In this context the definition does not extend to architectural detail, ornamentation, decoration or functional elements designed by architects, urban designers, landscape architects or interior architects.

⁴ Public Art and the Planning System and Process in England (ixia Public Art Think Tank: July 2007) www.ixia-info.com

CHAPTER 3

FUNDING

PERCENTAGE FOR ART

- 3.1 In 1991 the Arts Council of Great Britain initiated the *Percent for Art* Campaign. This was designed to enhance the built environment by encouraging developers to devote a proportion of capital expenditure of the construction of a new building to the provision of new works of art, craft or decoration in the building or its environs.
- 3.2 South Cambridgeshire Council expects developers to dedicate between 1% and 5% of the associated construction costs of the capital project to Public Art.
- 3.3 The intention of the Council's policy is to actively endorse the integration of Public Art schemes in new developments across the District. Developers will take responsibility for the funding, management and implementation of Public Art schemes either directly or through specialist agents and, wherever appropriate, in association with the Parish and/or District Council.

ON SITE PROVISION

- 3.4 If a developer is willing to incorporate Public Art within a scheme the Council will include this when they negotiate a legal agreement (referred to as a section 106 agreement) with the developers and their agents. Such an agreement can cover all the different elements of the necessary infrastructure requirements and for Public Art this could contain the details of the nature and extent of the Public Art contribution and any sums involved.
- 3.5 For example, a developer could agree to pay an index-linked sum (to be specified in the clause) to the Council to support the development and implementation of Public Art initiatives integrated within place-wide public realm and other arts plans adopted and promoted by the Council.
- 3.6 See Appendix 2 for the template for the Section 106 agreement.

OFF SITE FINANCIAL CONTRIBUTIONS

- 3.7 Where the developer is unable to undertake a Public Art Plan or the Public Art contribution cannot be seen as having a sufficiently significant impact on the physical or social characteristics of a locality, the Council may agree that developers make financial contributions to support Public Art initiatives integrated within place-wide public realm and other plans adopted and promoted by South Cambridgeshire District Council.
- 3.8 The sums would be guided by the costs of the initiatives. The costs could be applied to either one or proportionately to a number of developments. For the pooling of funding it may not be necessary for the developer to appoint Public Art

expertise, as negotiations could be undertaken directly between the developer and the Council.

MAINTENANCE AND DECOMMISSIONING

- 3.9 The cost of maintenance and decommissioning must be taken into account. It is expected that part of the investment in the artwork would be put aside for maintenance or decommissioning the artwork. (See Appendix 1 – page 17)

CHAPTER 4

IMPLEMENTING PUBLIC ART

WHAT SCHEMES ARE ELIGIBLE

- 4.1 Policy SF/6 in the Development Control Policies DPD states that the Public Art Policy will apply to the following schemes –
1. Residential developments comprising 10 or more dwellings and
 2. Other developments where the floor area to be built is 1,000m² or more, including office, manufacturing, warehousing and retail developments
- 4.2 On smaller developments, developers will be encouraged to include Public Art within their scheme as a means of enhancing the quality of their developments

WHO DOES WHAT

- 4.3 In order to implement successful public art, developers, artists, the Council and the community will all be involved. Some principles of good practice are detailed in Appendix 1.

PUBLIC ART THEMES

- 4.4 Public Art in new development should be based on themes relevant to the nature of the locality such as the uses, historic or contemporary, or function of the public space or building/s. For example at Arbury Park where the fruit and flower growing industries provide the main theme for a number of art works on the 900 home development.
- 4.5 Appendix 3 includes some good examples of what has been achieved so far with Public Art in South Cambridgeshire.

PUBLIC ART PLAN

- 4.6 A Public Art Plan will need to be prepared as part of the development process for schemes that will incorporate public art. The nature of the Public Art Plan will depend on the scale of the development.
- 4.7 Small-scale development
For schemes, for residential from 10 to 50 dwellings or up to 5000 sq metres in commercial development the Public Art Plan will need to contain the following -
- A brief for the involvement of the artists
 - An assessment of the positive impact the Public Art will have on the environment and/or the local residents.
 - A description of the commissioning and procurement process with a brief report on tasks already completed

- Budget details
- Details for future care and future maintenance

4.8 Large-scale scheme

For schemes, which equate to 51 dwellings or over and are over 5,000 sq metres in commercial development the Public Art Plan will need to contain the following -

- The nature and purpose of the Public Art intervention and its relationship to the site including anticipated aims and benefits.
- A detailed brief for the involvement of the artist/s, the recruitment and selection process and timescale.
- The process for community liaison and engagement – both undertaken and proposed. A description of the kind/s of Public Art proposed and costs associated.
- The strategy and timescale to be employed in order to realise the works.
- The ownership, maintenance and decommissioning scheme.

PUBLIC ART SUPPORT GROUP

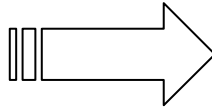
- 4.9 The Council is considering setting up a Public Art Support Group that will be responsible for looking at Public Art proposals submitted with planning applications. This group will be convened by the Arts Development Officer and made up of officers, councillors and invited specialists concerned with Public Art. At present such schemes are considered as part of the planning application process.

FREESTANDING ARTWORK

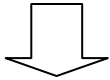
- 4.10 There may be circumstances e.g. where plans for Public Art cannot be sufficiently integrated in the outline planning application, where a freestanding artwork will require separate planning permission. In these circumstances it is the developers responsibility to submit such plans, checking with South Cambridgeshire's Planning Department at an early stage in the development process.

DEVELOPMENT FLOW CHART

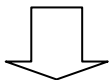
- 4.11 A simple flow chart has been produced to indicate how developers can include Public Art within their development schemes. It is more effective to incorporate Public Art in the earliest thinking of a development proposal and it would be an advantage for the developer to involve an artist from the initial design stage of a scheme.

THE FLOW CHART**Pre Full Application Discussions and Consultations.**

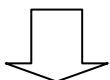
Developer contacts the District Council Development Control Section. The contact number is 08450 450 500. The Development Control Officer will provide the Developer with this SPD including the Section 106 Agreement template (see Appendix 2) and give other pre-application advice.



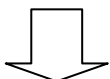
If the development needs to have an Environmental Impact Assessment carried out to find out the likely impact the scheme will have on its surroundings the initial scoping advice could specify that Public Art should be included in the scheme for socio-economic reasons as a means of enhancing the proposal.



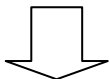
If a developer is considering including Public Art within the scheme independent advice is available from specialist arts consultancies. Appendix 5 includes those that have worked in South Cambridgeshire.



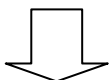
Developer contacts Arts Development Officer for advice on provision of Public Art. The contact number is 01954 713343
Developer can make the decision in negotiation with the Arts Development Officer as to whether Public Art should be included in the development or whether a commuted sum may be more appropriate.



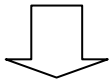
Developer should consider engaging artist to be part of the design team of the scheme. Advice on this recruitment process is given in this SPD. (See page15) The artist/specialists should ideally be involved as early as possible within the process.



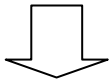
The appointed artist and/or the developer consults the local Arts Development Managers who will also be able to provide information and advice regarding existing Public Art and related arts activities: www.scambs.gov.uk. Discussions regarding themes, ideas, and successor management and maintenance will need to be agreed.



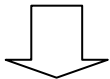
The appointed artist and/or the developer contacts the local Parish Council for their views on Public Art in the village. The contact details for Parish Council Clerks are available on the SCDC website: www.scambs.gov.uk or by contacting 08450 450 500.



The artist consults with the local community regarding the purpose and nature of the Public Art scheme. This consultation with the local community will need to be documented to provide evidence of it having taken place –including information of what kinds of ideas were presented to the public as well as where meetings took place and who attended. This is the developer's responsibility. The District Council will advise on this if necessary and expect representatives from the Parish and District Councils to be invited to attend such consultation activities.

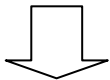


The artist, as part of the design team, prepares a Brief outlining the nature of the artwork, which will be created for the development incorporating the themes inspired from the various consultations. (See page 16 for more detail on the brief)

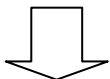


Public Art Plan prepared

The developer prepares a Public Art Plan relevant to the scale of the development. See Page 9 for the definition of large or small scale.



Using the information and research gathered during the initial period the Developer prepares a Design and Access Statement, which includes reference to the Public Art Plan for the development.

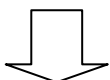


Planning application submitted

Developer submits a planning application accompanied by

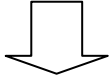
- A Design and Access Statement incorporating a section about the role of Public Art within the development
- A draft completed Section 106 Agreement for approval.
- A Public Art Plan with the appropriate level of detail depending on the scale of the development.

Ideally the Public Art should be incorporated into the detailed architect/ landscape architect drawings submitted as part of the planning application.



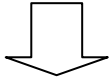
A draft Section 106 Agreement will include Capital Sum/s where appropriate (see Appendix 3)

If a draft Section 106 Agreement is not included with the planning application, the SDCD legal office will prepare one (there may be a charge for this service).

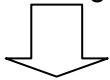


Post submission consultations.

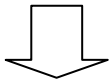
The Public Art Plan will be included in the consultation process of the planning application



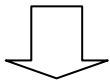
The District Council Development Control Officers consider the planning application and its legal office considers the draft Section 106 Agreement.



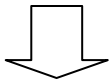
The proposed Public Art Support Group convened by the Arts Development Officer considers the Public Art scheme.



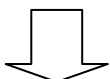
The Public Art Plan is recommended (or declined) by the Public Art Support Group following consultation with the Development Control Officer. Otherwise the Public Art scheme will be determined alongside the planning application with advice from the Arts Development Officer.



Prior to planning approval being determined, the Section 106 Agreement is completed by all parties, including the Parish Council, where appropriate e.g. if the Parish Council is to adopt the installation or owns the land upon which the installation is sited.

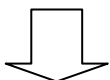


Determination of the Planning Application

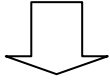


Developers are advised to ensure that technical consultations and approvals for any artwork installations are carried out prior to starting work on site. These may include

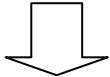
- Statutory utility companies for underground services
- Highway Authorities for traffic safety and works to public highway land.
- Parish councils for works on public open space
- Health and safety issues
- Ecological issues
- Environmental health issues.



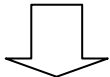
Timing of provision/ installation of the Public Art will also be referenced to trigger points within the Section 106 Agreement, based on housing occupations or such other key stages as appear to the Local Planning Authority to be appropriate in the circumstances. . These trigger points will show when a development is nearing its completion.



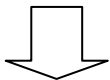
Developer starts work on site and implements Public Art provision as specified in the approved plans. The Developer will engage contractors to fabricate and/or safely install the artwork as advised by the artist/s and technical specialists



Once provided any installation will need to vest in an owner the ability to maintain or decommission the artwork as appropriate or necessary. A commuted sum will need to be allocated to achieve this and to be included in the Section 106 agreement.



Once any site-specific art works are completed, the Developer will confirm that they are ready to be transferred and the legal documents(including the decommissioning process) will be prepared by Legal representatives of the Developers and the Parish Council (or approved management organisation). The Public Artwork will normally be transferred as freehold. This process will include transfer of the Commuted Maintenance Sum.



Public Art is achieved and in place.

APPENDIX 1

WHO DOES WHAT – SOME PRINCIPLES OF GOOD PRACTICE

THE ROLE OF THE ARTIST

- 5.1 The defining quality of Public Art is the artist's intent and the strength of this idea or concept to link together the artwork with the local community and the place it is to be located.
- 5.2 For this reason artistic input must be considered at the earliest stage of a development. Artists should be involved in the creation of development proposals as a member of the design team and will be expected to develop their work in collaboration with the local community and users of the public building or site.
- 5.3 The main roles that artists can have include working:
- To engage creatively with communities in order to explore and articulate issues of significance
 - As members of design teams, working collaboratively and contributing to the use and form of developments through research, reflection and propositions relating to context. Ideally the appointed artist will work alongside the developer's architect
 - As commentators and amateurs producing either permanent, temporary or process-based art works.

THE ROLE OF THE DEVELOPER

- 5.4 All artwork commissioned by a developer should be of a high quality and represent good value for money. Artists should be paid at professional rates, appropriate to the commission.
- 5.5 Clarity in the developer's Public Art plan is essential, particularly in relation to specifying the artist's role and expected outcomes. The artist brief, contract and approval processes should be communicated at the earliest stage.

Recruitment of the artist

- 5.6 The selection of artists should be made against clear criteria based on the objectives of the commission. According to the nature of the brief, one of the following main methods of recruitment should be used:
- a) **Open submission:** Opportunities would be advertised nationally or locally and applications sought from artists.

- b) **Limited submission:** A short list of artists would be drawn up from a recognised register or by recommendation and paid to produce proposals or invited to interview.
 - c) **Direct invitation:** Preferred artist/s could be approached directly and invited to undertake the commission/s
 - d) **Purchase of contemporary work:** Artworks may in certain circumstances be purchased direct from the studio, gallery or arts organisation from open/limited submission.
- 5.7 The Council's Arts Development Officer can offer advice on Public Art commissioning.
- 5.8 The Council will encourage the use of local artists from South Cambridgeshire, but developers are free to choose and appoint any recognised artist, especially if the work requires a specialist. Work by notable artists is also encouraged.
- 5.9 Advice is available from specialist arts consultancies and a list of those that have worked in South Cambridgeshire is in Appendix 5.
- 5.10 Wherever possible, developers should ensure that the artist's involvement is supported by a manager with some experience of Public Art and the time to facilitate the process.

The artist's brief

- 5.11 The artist's brief clarifies precisely the kind of artist required for the particular development.
- 5.12 The brief should clearly establish: a theme; locations; budget programme; identity of the client; and required community involvement and contacts.
- 5.13 A Public Art brief may be prepared by a specialist agency or an artist on behalf of the developer. A list of consultants that have worked in South Cambridgeshire appears in Appendix 5. The Council's Art Development Officer can help to a limited extent in this process. As many relevant people as possible should be consulted at the briefing stage and rewriting the brief at proposal stage should be avoided.

Skills needed by a developer when commissioning Public Art

- 5.14 A good degree of Public Art expertise is essential and developers must demonstrate that they can engage consultants with the skills, knowledge and capacity required to support the Public Art process and have regard to their advice.
- 5.15 These include:
- Liaison with local authorities regarding the expectations for development sites

- Consideration of the role of Public Art in relation to the proposed characteristics of development sites
- Preparation of briefs and managing contracts and budgets
- Researching and managing the selection of artists
- Management of artists' ongoing projects – particularly liaison between client/design team and artist
- Securing required approvals from the local authorities and other relevant organisations
- Assistance with publicity/PR/launches and documentation
- Evaluating the Public Art commissioning process

Maintenance and Operational Responsibilities

- 5.16 The commissioner/developer will be responsible for the proper maintenance, repair and conservation of the work and ensure that successive owners accept this responsibility.
- 5.17 The responsibility for maintenance of the artwork will need to be established in the initial brief by the developer. Maintenance for artist designed street furniture or works located on public highway or park land would need to be agreed in negotiation with the local authorities and landowners concerned.
- 5.18 Maintenance during the course of the artworks life and the decommissioning process should be included in the legal documents prior to the transfer as freehold.

THE ROLE OF SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

- 5.19 The role of the local authority in relation to Public Art project management varies according to the nature and extent of the scheme.
- 5.20 Whilst initial support and advice is available from the Arts Development Officer, the developers and/or their agents will prepare proposals for Public Art.
- 5.21 The Council should be informed as to each Public Art proposal or plan proposed to take place in the District. Larger schemes may involve the Arts Development Officer as a member of a stakeholder group (usually made up of developer representatives, parish and district councillors and interested individuals including, where available, the local arts development manager). For those developers where a Public Art fund has been offered through section 106 the Council will manage funds linked to the development on behalf of the stakeholder group. This will be until any such stakeholder group becomes formally constituted and capable of administering the funds itself in an accountable way.

Public Art Support Group

- 5.22 The Council is considering setting up a Public Art Support Group convened by the Arts Development Officer and made up of officers, councillors and invited specialists concerned. All available plans and proposals will be considered at quarterly meetings of this group where new applications for Public Art will be considered and the success of the Public Art policy will be evaluated.

THE ROLE OF THE COMMUNITY

- 5.23 Commissioned artworks should be accessible to the public and in public view wherever possible.
- 5.24 If an artwork requires planning permission in its own right, consultation with local representatives will take place automatically. Where possible local residents should be consulted at the brief preparation stage. Liaison through local newsletters and online updates are recommended.
- 5.25 This is as important in the new growth areas as in well-established villages and neighbourhoods.
- 5.26 PPS1 *Delivering Sustainable Development* positively encourages the involvement of the community in creating sustainable communities and stresses the values of involving the public in devising schemes. The Council will encourage an artist to involve local people in the development of artworks as the best way to gain public awareness and support.
- 5.27 Guidance is available for developers and parishes about involving residents in working with professional artists. Contact the Arts Development Officer for a copy of the **stArt now** toolkit.

APPENDIX 2

TEMPLATE FOR SECTION 106 AGREEMENTS

Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990

relating to [the development of
on/at]

Dated : 200...

- [Local Planning Authority] (1)
- [Local Highway Authority] (2)
- [Freeholder] (3)
- [Other Interested Person] (4)
- [Other Interested Person] (5)

5

⁵ GENERAL GUIDANCE NOTE

The objective is to provide a document which is concise, clear and comprehensive. Modern legal drafting no longer employs archaic legal terminology. Instead, it should be drafted so as to be readily understood by all interested parties.

The solicitors responsible for drafting the document need to receive clear and unambiguous instructions from their clients.

A Section 106 Planning Agreement is a legal document. It creates legal commitments which bind the original parties and their successors, and the land, and these commitments may continue for many years. It is important to remember that a Section 106 Planning Agreement will usually be negotiated in conjunction with the planning permission, which also normally runs with the land.

The document should follow a logical sequence, starting with the parties followed by an Introduction which explains the objective of the Planning Agreement, then the legal provisions that enable the local planning authority and any other public authority to enter into the planning obligations, and the operative provisions containing the obligations of the landowner and, if appropriate, the local authorities.

A Unilateral Obligation may be employed where the obligations are made by the Owner and/or the Developer without any reciprocal commitments by the local planning authority, provided that the local planning authority by whom the Planning Obligation is enforceable is identified within the Deed.

The parties negotiating the Agreement are encouraged to follow the broad format of this agreement. Where necessary, however, they may substitute the provisions (especially those in square brackets) in this standard agreement for wording specific to the development and authority. Authorities should make standard materials available to applicant.

TABLE OF CONTENTS

INTRODUCTION

- 1 DEFINITIONS
- 2 CONSTRUCTION OF THIS DEED
- 3 LEGAL BASIS
- 4 CONDITIONALITY
- 5 THE OWNER'S COVENANTS
- 6 THE COUNCIL'S COVENANTS
- 7 MISCELLANEOUS
- 8 MORTGAGEE'S CONSENT
- 9 WAIVER
- 10 CHANGE IN OWNERSHIP
- 11 INDEXATION
- 12 INTEREST
- 13 VAT
- 14 JURISDICTION
- 15 DELIVERY

FIRST SCHEDULE

[Details of the Owner's Title, and description of the Site]

SECOND SCHEDULE

[Form of notice of planning permission]

THIRD SCHEDULE

The Owner's Covenants with the Council

Public Art

FOURTH SCHEDULE

Council's Covenants

Corresponding covenant by Council where land transferred

FIFTH SCHEDULE

Contract and Land Transfer

DATE 200...

PARTIES ⁶

- (1) [LOCAL PLANNING AUTHORITY] of [.....*insert address*.....] (“Council”)
- (2) [FREEHOLDER] of [.....*insert address*.....] (“Owner”)
- (3) [OTHER INTERESTED PERSON] of [.....*insert address*.....] (“Developer”)
- (4) [OTHER INTERESTED PERSON] of [.....*insert address*.....] (“Mortgagee”)

INTRODUCTION⁷

- 1 The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- 2 The County Council is the local highway authority, [and the county planning authority / the education authority] for the area in which the Site is situated.
- 3 The Owner is the freehold owner of the Site.⁸
- 4 The Developer is ⁹
- 5 The Mortgagee is ¹⁰
- 6 The Owner has submitted the Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- 7 The Council resolved on [...*insert date*...] to grant the Planning Permission subject to the prior completion of this Deed.

NOW THIS DEED WITNESSES AS FOLLOWS:

6

These are the parties who should sign the document as being interested in the land, where, “interested” has a legal meaning. The parties usually include the freeholder, any lessee(s), and the purchaser of the development site with a contract conditional upon obtaining planning permission or an option for a period of time within which the developer may obtain planning permission and then decide whether or not to purchase the land.

Local Planning Authority – the local authority for the area where the land is situated; this may be the District Council Unitary authority, London Borough, National Park Authority or Urban Regeneration Agency.

County Council – a County Council may also be joined as a party in its role as local highway authority and/or local education authority or local planning authority in relation to waste and minerals.

Mortgagee - In an event of a default by the mortgagor, the mortgagee may take possession of the land, and therefore be liable for the commitments in the planning obligation.

7

This section is also known as “Recitals”, sets the scene for the obligations which appear later in the Agreement.

The relevant role(s) of the County Council should be identified.

8

Recital of ownership – see s.106(9)(b) and (c) for what must be stated.

9

Recital of ownership – see s.106(9)(b) and (c) for what must be stated.

10

Recital of ownership – see s.106(9)(b) and (c) for what must be stated.

OPERATIVE PART¹¹**1 DEFINITIONS¹²**

For the purposes of this Deed the following expressions shall have the following meanings:

“Act”	the Town and Country Planning Act 1990
“Application”	the application for outline [full] planning permission dated [] submitted to the Council for the Development and allocated reference number []
“Agreement”	an agreement with a transfer annexed in the form set out and completed in accordance with the Seventh Schedule
“Commencement of Development”	the date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and “Commence Development” shall be construed accordingly.
“Development”	the Development of the Site with [...insert description of the development...] as set out in the Application
“Dwelling”	a dwelling (including a house flat or maisonette) to be constructed pursuant to the Planning Permission
“Index” ¹³	All Items Index of Retail Prices issued by the Office for National Statistics [All In Tender Price Index published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors or any successor organisation].
“Interest”	interest at [] per cent above the base lending rate of the [] Bank Plc from time to time.

11

These are the provisions that follow the recitals and which set out:

- (a) *the method and means of performance of the obligations,*
- (b) *the content of the obligations.*

12

Modern draftsmen include their definitions at the beginning of the operative part of the Deed, unless the document is short.

A defined term should be given a capital letter wherever it subsequently appears in the document.

The purpose of definitions is to remove ambiguity, and to avoid unnecessary repetition.

Other definitions can be added, depending upon the terms of the obligations.

13

The choice of index will depend on what is being indexed. More than one index may need to be specified.

“Occupation” and “Occupied”	occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations.
“Plan”	the plan attached to this Deed
“Planning Permission”	the outline[full] planning permission subject to conditions to be granted by the Council pursuant to the Application as set out in the Second Schedule.
“Property Transfer Trigger”	the restriction on occupation of more than [...specify no. of dwellings/square metres as applicable...] set out in paragraph [1] of the Third Schedule. ¹⁴
“Site” ¹⁵	the land against which this Deed may be enforced as shown edged red on the Plan.

2 CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council and County Council the successors to their respective statutory functions.

14

Needed if property to be transferred.

15

This will usually be the same as the Application site. It should be the land against which the obligations are to be enforced.

3 LEGAL BASIS¹⁶

- 3.1 This Deed is made pursuant to Section 106 of the Act [Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000].
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner.¹⁷

4 CONDITIONALITY

- 4.1 This Deed is conditional upon:
- (i) the grant of the Planning Permission; and
 - (ii) the Commencement of Development

save for the provisions of [Clauses 8.1, 15 and 16 legal costs clause jurisdiction and delivery clauses and any other relevant provisions] which shall come into effect immediately upon completion of this Deed.

5 THE OWNER'S COVENANTS

- 5.1 The Owner covenants with the Council as set out in the Third Schedule.

6 THE COUNCIL'S COVENANTS

- 6.1 The Council covenants with the Owner as set out in the Fifth Schedule.

7 MISCELLANEOUS

- 7.1 The Owner shall pay to the Council on completion of this Deed the reasonable legal costs of the Council incurred in the negotiation, preparation and execution of this Deed.
- 7.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999
- 7.3 This Deed shall be registrable as a local land charge by the Council.
- 7.4 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Council under the terms of this Deed such agreement, approval or consent or expression of satisfaction shall not be unreasonably

¹⁶

The operative provisions should follow a logical sequence, commencing with a statement of the legal powers which are relied upon by the local planning authority when entering into this agreement. Obviously, the primary authority is Section 106 of the Town and Country Planning Act 1990, but the local planning authority may also wish to include Section 111 of the Local Government Act 1972, and Section 2 of the Local Government Act 2000. Sections 111 and 2 should be mentioned where the local planning authority is also committing to carrying out certain actions. These sections enable the local authority to deal with obligations required from the landowner, that are not within the powers of Section 106. However, unlike s.106, obligations under section 111 and 2 do not run with the land.

¹⁷

Standard Terms

Formal requirement

It is necessary to state formally that the document is a planning obligation for the purposes of Section 106 of the Town and Country Planning Act 1990.

withheld or delayed and any such agreement, consent, approval or expression of satisfaction shall be given on behalf of the Council by the Head of Planning and any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.

- 7.5 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall forthwith effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.
- 7.6 Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.
- 7.7 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to the Commencement of Development.
- 7.8 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 7.9 This Deed shall not be enforceable against owner-occupiers or tenants of dwellings constructed pursuant to the Planning Permission nor against those deriving title from them.¹⁸
- 7.10 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Deed.

8 MORTGAGEE'S CONSENT

The Mortgagee acknowledges and declares that this Deed has been entered into by the Owner with its consent and that the Site shall be bound by the obligations contained in this Deed and that the security of the mortgage over the Site shall take effect subject to this Deed PROVIDED THAT the Mortgagee shall otherwise have no liability under this Deed unless it takes possession of the Site in which case it too will be bound by the obligations as if it were a person deriving title from the Owner.

9 WAIVER

No waiver (whether expressed or implied) by the Council [(or Owner)] of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council [(or Owner)] from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

¹⁸ Some parts of a planning agreement will need to be enforceable against owner occupiers or tenants, eg some affordable housing provisions. Consider whether this common exclusion is suitable for all parts of the agreement.

10 CHANGE IN OWNERSHIP

The Owner agrees with the Council to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.¹⁹

11 INDEXATION

Any sum referred to in the Third [] Schedule[s] shall be increased by an amount equivalent to the increase in the Index from the [date hereof]²⁰ until the date on which such sum is payable.

12 INTEREST

If any payment due under this Deed is paid late, Interest will be payable from the date payment is due to the date of payment.

13 VAT

All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.²¹

14 JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales.

15 DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

19

Consider whether sales to owner occupier and business tenancies are to be notified. The purpose of this clause is to assist the LPA in practical monitoring. Consider also including a clause on service of notices.

20

Insert appropriate point.

21

Parties should take advice on the applicability of VAT and consequences of failure to collect if payable.

FIRST SCHEDULE²²

[Details of the Owner's Title, and description of the Site]

22

Description of the title and the land to be bound by the Agreement. This is usually a description of the development site which is the subject of the application for planning permission.

SECOND SCHEDULE²³
[Form of notice of planning permission]

23

Form of notice of planning permission. Whilst the notice of planning permission will only be issued upon the completion and exchange of the signed Section 106 Planning Obligation, good practice is to annex a draft to the document so that all terms and conditions are known.

THIRD SCHEDULE
The Owner’s Covenants with the Council

PUBLIC ART

Definitions (to be included in clause 1):

“Public Art Contribution” means a financial contribution of [] pounds (£[.....]) towards the provision of public art such provision to be entirely at the discretion of the Council in terms of size nature artistic influence and geographical location within the [Council area, or specified area]

Alternative definition:

“Public Art Contribution” means a financial contribution of [] pounds (£[.....]) towards the provision of Public Art which will include where appropriate sculpture, street furniture, landscaping and/or architectural detailing within [specify area] [within or within the vicinity of the Development as the Owner and Council may agree]

“Public Art” means
[.....]
.]

3 To pay the Public Art Contribution within [...insert number to be specified...] days of the Commencement of Development

OR

5.1 To include as part of the Development a permanent work of Public Art to the value of the Public Art Contribution which is integral to the Development and permanently affixed to the Development Land the precise nature of the work of art and its precise location on the Development Land to be approved by the Council prior to Occupation of any part of the Development

5.2 The said work shall be provided on or before [...specify date or event...]

FOURTH SCHEDULE Council's Covenants

Corresponding covenant by Council where land transferred

1 The Council agrees to execute the transfer of the property on or before the Property Transfer Trigger on the terms set out in the Seventh Schedule failing which the restriction set out in paragraph 1 of the Third Schedule shall cease to have effect.

Repayment of contributions

- 2 The Council hereby covenants with the Owner to use all sums received from the Owner under the terms of this Deed for the purposes specified in this Deed for which they are to be paid or for such other purposes for the benefit of the Development as the Owner and the Council shall agree.
- 3 The Council covenants with the Owner that it will pay to the Owner such amount of any payment made by the Owner to the Council under this Deed which has not been expended in accordance with the provisions of this Deed within [five] years of the date of receipt by the Council of such payment together with interest at the [...insert name of bank...] base rate from time to time for the period from the date of payment to the date of refund.
- 4 The Council shall provide to the Owner such evidence, as the Owner shall reasonably require in order to confirm the expenditure of the sums paid by the Owner under this Deed.

Discharge of obligations

- 5 At the written request of the Owner the Council shall provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been performed.

**FIFTH SCHEDULE
Contract and Land Transfer**

(Execution of s.106 agreement)

THE COMMON SEAL OF [Local Planning Authority])
was affixed in the presence of:)

Authorised Signatory:

THE COMMON SEAL OF [County Council])
was affixed in the presence of:)

Authorised Signatory:

EXECUTED AS A DEED by [...insert name of owner...])
in the presence of:)

Director:

Director/Secretary:

[...add Developer, mortgagee and any other parties as appropriate...]

APPENDIX 3

CASE STUDIES from SOUTH CAMBRIDGESHIRE

A number of successful public art schemes have arisen in the District in recent years. Here are some examples of how artists' work has been successfully integrated into the environment.

Themed Work



Genome stripe (2005)

One mile of 20,500 thermoplastic stripes
Cycleway between Addenbrookes and Great
Shelford

Katy Hallett

Sustrans with Cambridgeshire County Council

Katy Hallett had been working on surface interference patterns for sustrans, builders of the national cycle route. Once the path in Great Shelford had been designated and selected as the final 10,000th mile of the National Cycle Network the artist was asked to consider an appropriate celebratory intervention. The genome stripes occurred because Sir John Sulston pioneered the mapping of the human genome and worked at Sanger Institute and Addenbrookes Hospital. It was following discussions with Sir John, a keen cyclist, that the idea took shape and the BRCA2 gene was spelt out in its distinctive colours.

Artist fees and works: £60,000

Part funded by sustrans, the National Lottery and the Wellcome Trust.

**Flight (2003)**

10 metres, stainless steel
Cambourne

**Richard Thornton and
Antonia Hockton**

Morrison Supermarkets Plc.

The steel sculpture, designed by Richard Thornton, portrays the lift of flight. The 12 graded sandstone panels carved in low relief by Antonia Hockton, magnifies engine parts kept or recorded at Bourn Airfield and Duxford War Museum.

Antonia Hockton also ran community carving workshops, demonstrations and gave slide presentations of the work to local schools and community groups.

Artist fees and works: £65,000

Commissioned by Morrison Supermarkets PLC as a focal point for the square next to the new supermarket.

Smaller Scale Schemes

**Village Sign (2002)**

Portland Stone 1200 x 1200
Harlton

William Garfitt with Cambridge Carving
Workshop

Harlton Parish Council

A sign that also commemorates a thousand years of village life. The artwork takes the form of a three sided stone plinth topped with a heritage map and is sited on a village green bound by three roads to the north west of Harlton

A millennium project begun by villagers in the year 2000.

Artist fees and works: £10,000

Commissioned by Harlton Parish Council and part funded by South Cambridgeshire District Council Arts Capital Fund.

**Luce Colorata (2005)**

glass and steel 3000 x 1600 x 500
Sackville House, Cambourne Library, Health
Centre and offices

Chris Wood

Cambridgeshire County Council

Specially commissioned for the atrium of
Sackville House and created in close
consultation with the design team.

An elliptical arrangement of Dichroic glass
suspended beneath the roof light. Light
entering the roof light is transformed into
patterns of coloured light that project into the
interior space.

Artist fees and works: £25,000

Willingham Bus Stop (2008)

Steel, glass, paving and lighting
Willingham

Zoe Chamberlain with Louise Watson

An artwork located at the High Street bus stop
that provides a focal point for residents and
visitors at the same time as giving shelter for
bus passengers.

Contemporary in design, the structure
commemorates Willingham's beehive making
tradition and the distinctive bee dances that
have been observed in Cambridgeshire over the
centuries. The verge next to the artwork is sown
with meadow flowers.

The project initiated a community-based arts
programme involving residents of all ages and
interests in celebrating the flower-growing
heritage of the village.

Cost of artists and works £26,000

David Wilson Homes in association with
Willingham Parish Council and with the support
of the National Lottery Awards for All scheme.

Image/s to follow

Larger Developments

Arbury Park Public Art Scheme (2006-2009)
Impington, part of a 900 home development on the northern fringe of Cambridge

Making Visible the Invisible

Patricia Mackinnon-Day – lead artist
Richard Heeps - photographer
Kirsten Lavers – neighbourhood artist
Mark Dixon – digital artist
Oliver Bennett - writer
Lubna Chowdhary - sculptor
Adam Booth
Chris Wood

Gallagher Estates – Lead developers

With the involvement of Commissions East, Shape East and the *Project* scheme (Commission for Architecture and the Built Environment and Arts Council England/Public Art South West)

Artworks are phased throughout the four-year development of the site and include a range of works from community-based art schemes involving residents to the permanent artworks in the community centre, central square, school, hotel and local recreational areas.

Photos to follow

The lead developers, housing contractors, commercial developers and County Council all commissioned work that built on the strategy 'Making Visible the Invisible' produced by Patricia Mackinnon Day which identified ways of integrating the new settlement with the surrounding villages and the historic city of Cambridge.

A public art stakeholder group consisting of developers, South Cambridgeshire District Council, Impington Parish Council, Arbury Park residents and artists, has supported the work.

For more information see
www.sameanddifferent.net

Total cost of artists and works: £350,000

Gallagher Estates with additional financial support from Arts and Business, Martin Grant Homes, Inspace Partnerships, George Wimpey East Anglia, Persimmon, George Wimpey South Midlands and Cambridgeshire County Council.

APPENDIX 4

FURTHER INFORMATION

LOCAL INFORMATION

- South Cambridgeshire Development Control Policies DPD (2007)
- Public Art Policy for South Cambridgeshire (2004)
- Sub-regional Arts and Culture Strategy - Cambridgeshire Horizons (2006)
- Draft East of England Plan (2007)
- Integrated Regional Strategy – Sustainable Futures (2005)

NATIONAL INFORMATION

- PPS 1 Delivering Sustainable Development ODPM (2005)
- PPS 3 Housing DCLG (2006)
- PPS 6 Planning for Town Centres ODPM (2005)
- PPS7 Sustainable Development in Rural Areas ODPM (2004)
- PPS12 Local Development Frameworks ODPM (2004)
- PPG13 Transport ODPM (2001)
- PPG15 Planning and the historic environment DoE (1994)
- PPG17 Planning for open space, sport and recreation ODPM (2002)
- Circular 05/05: Planning Obligations ODPM (2005)
- Circular 01/06 Changes in Guidance to Development Control ODPM (2006)
- By Design- Urban Design and the Planning System (CABE/DETR 2000)
- Creating Excellent Buildings – a Guide for Clients (CABE2003)

- Urban Design Compendium (English Partnerships and the Housing Corporation 2000)

USEFUL WEBSITES

- South Cambridgeshire District Council – www.scambs.gov.uk
- Communities and Local Government - www.communities.gov.uk
- Cambridgeshire Horizons - www.cambridgeshirehorizons.co.uk
- CABE - www.cabe.org.uk
- Ixia- Public Art Think Tank – www.ixia.com

APPENDIX 5**PUBLIC ART CONSULTANTS**

If developers do not have the skills or time required to manage a Public Art plan a large number of Public Art agencies are available. Some of these are listed on <http://www.publicartonline.org.uk/practical/commissioning/agencies.html>

This is a list of Public Art consultants that have worked in the South Cambridgeshire District Council area:

<p>ArtOffice (Isabel Vasseur) Unit 1, 7 Chalcot Road London NW1 8LH Tel: 020 7483 3133 Fax: 020 7483 3026 e-mail: info@artoffice.co.uk www.artoffice.co.uk</p>	<p>Freeform (Alan Rossiter) Hothouse 274 Richmond Road London Fields E8 3QW Tel: 020 7249 3394 e-mail: alan@freeform.org.uk www.freeform.org.uk</p>
<p>Alastair Snow Associates + Projects 4 Old Park St Michaels Bristol BS2 8BD Tel: 0117 929 4660 e-mail: asart4@btinternet.com</p>	<p>Jane Heath Visual Arts Planning and Projects 328 High Street Cottenham Cambridge CB4 8TX Tel/Fax: 01954 250106 e-mail: jane@visarts.freeseve.co.uk</p>
<p>Commissions East (Director David Wright) St Giles Hall Pound Hill Cambridge CB3 0AE Tel: 01223 356882 e-mail: info@commissionseast.org.uk www.commissionseast.org.uk</p>	<p>Shape East (Director Frances Downie) The Courtyard Unit B 21 Sturton Street Cambridge CB1 2SN Tel: 01223 462606 e-mail: admin@shape-east.org.uk</p>
<p>Creative Intelligence Agency Ltd. (Director Sarah Wang) 2nd Floor 101 Redchurch Street London E2 7DL Tel: 020 7739 8045 (Skype 020 7871 5771) Mob: 07900 882 390 e-mail: sarah@thecia.org.uk</p>	<p>Working pArts (Director Geoff Wood) Shoulder of Mutton 70 Towngate Midgley West Yorkshire HX2 6UJ Tel: 01422 884538 e-mail: geoff@working-parts.com</p>
<p>Prospect Row (Partner David Ousby) PO Box 572 Cambridge CB1 2QG Tel 01223 313200 e-mail: dco@prospectrow.co.uk www.prospectrow.co.uk</p>	<p>Wysing Arts Wysing Art Centre Fox Road, Near Bourn Cambridge CB23 2TX Tel 01954 718881 e-mail: info@wysingartscentre.org</p>

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Local Development Framework
Trees & Development Sites

Supplementary Planning Document

Consultation Draft May 2008

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© May 2008

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(Planning and Sustainable Communities)

**If you would like a copy of this document
in large print or another format please contact
South Cambridgeshire District Council on
08450 450 500 or email ldf@scambs.gov.uk**

CONTENTS

	Page
Chapter 1 Introduction to the Supplementary Planning Document	1
Purpose	1
South Cambridgeshire LDF Policy	2
Chapter 2 The Need to Consider Trees	3
Legal Framework	4
Statutory Legislation	4
Protected Trees	4
Chapter 3 The Development Process	5
The British Standards Institute British Standard 5837: 2005 Trees in Relation to	
Construction - Recommendations	5
Pre Application	5
Planning Application	6
Determination of Planning Applications	6
Implementation of Planning Permission	6
Chapter 4 Survey Requirements	7
Site Survey	7
Tree Survey	7
Tree Constraints Plan	8
Tree Protection Plan	9
Arboricultural Method Statement	9
Arboricultural Implications Assessment	9
Protection of Trees During Construction	9
Direct Damage	10
Indirect Damage	10
Management of Trees During Construction	10
New Planting	11
Street Tree Planting	11
Appendix 1 Local Development Framework Policies Supplemented by the Supplementary Planning Document	
Appendix 2 Contact Details and Further Information	

CHAPTER 1

INTRODUCTION TO THE SUPPLEMENTARY PLANNING DOCUMENT

- 1.1. This South Cambridgeshire District Council (SCDC) Supplementary Planning Document (SPD) forms part of the South Cambridgeshire Local Development Framework (LDF).
- 1.2. The SPD expands on district-wide policies in the Development Control Policies Development Plan Document (DPD), adopted in July 2007, and policies in individual Area Action Plans for major developments that may vary from the district-wide policies. Policies seek to ensure that trees, which are important for their role as both biodiversity and landscape features, are adequately addressed throughout the development process, and the SPD provides additional details on how these policies will be implemented.
- 1.3. The policy builds on national policy in Planning Policy Statement (PPS) 1: Delivering Sustainable Development, PPS 9: Biodiversity and Geological Conservation, and Planning Policy Guidance (PPG) 15: Planning and the Historic Environment. These promote sustainable, well designed, development that ensures biodiversity and landscaping are at the heart to help create green spaces for wildlife and people, to contribute to a high quality natural and built environment, and contribute to a better quality of life.
- 1.4. Trees will not be peripheral to the development as a whole but will be fully integrated into the design. Consideration will be given, wherever possible, to the retention of suitable trees within development, or to incorporating new planting into the design. Trees are a valuable addition to any development, helping to enhance the biodiversity and achieving development of a high quality design in the local landscape or townscape.
- 1.5. The Council is also producing SPD to provide further guidance on landscape and biodiversity issues, and it may be helpful to read these alongside this SPD.

PURPOSE

- 1.6. The objective of this SPD is to assist achievement of the Local Development Framework objectives for the conservation and enhancement of biodiversity and landscape character, including Development Control Policies DPD objectives NE/b: To protect and enhance the character and appearance of landscapes and natural heritage and NE/c: To protect and enhance biodiversity.
- 1.7. Specific objectives for this document are to:
 - Assist applicants' understanding of the role of trees within the wider environment and how they should be incorporated within development proposals as part of a high quality design;

- Assist applicants gain planning permission quickly by informing them of what information is required to accompany planning applications and why;
- Ensure that development works are undertaken in an appropriate manner to avoid adverse harm to trees, including their roots.

SOUTH CAMBRIDGESHIRE LDF POLICY

1.8. There are a number of policies within the Development Control Policies DPD and Area Action Plans that relate to trees, these are listed in Appendix 1. The key themes arising from these policies are summarised as follows:

- Conserve and enhance biodiversity and landscape character;
- Undertake full surveys of existing landscape and biodiversity features and conserve the environmental aspects of the site;
- Include high quality landscaping;
- Achieve a net increase in biodiversity;
- Not permit proposals where there will be an unacceptable impact on countryside, landscape character or ecology;
- The major development locations are also required to include early provision of landscaping and biodiversity on site.

CHAPTER 2

THE NEED TO CONSIDER TREES

2.1 South Cambridgeshire comprises over 100 parishes that encircle Cambridge City, comprising predominantly of small rural parishes, which to the North Eastern boundary start to merge with the fenlands. One of the least wooded counties also having suffered extensive loss of Elm due to the Dutch elm disease and more recently Beech, Horse Chestnut and Ash. This is partially due to changes in climate, shift in seasons and seasonal characteristics with diseases exploiting the changes. Much of the mature trees are of Victorian planting within parks and gardens or within the agricultural landscape.

2.2 Trees are important within the built and natural environment: -

Providing visual buffers softening hard landscaping; blending the harsh edges of the built environment, providing scale and a sense of perspective.

Providing 'shelter' against weather, sun, wind, rain; shading buildings in the summer reducing the requirement for air conditioning, insulating buildings from the winter elements with a potential to reduced heating and cooling costs.

Reduce & buffer sound; the canopy of trees can help absorb and dissipate noise creating a more peaceful and tranquil environment in which to live and work.

Filter pollution; trees can reduce the amount of dust particles in the air we breath collecting on the leaves of trees, these are either washed from the leaves by rain or fall to the ground in autumn.

Providing habitats; trees provide a habitat for mammals and invertebrates to exploit, providing a source of food, shelter.

Providing a 'feel good factor'; trees contribute to human life in ways that are often overlooked. Many of the benefits outlined above we take for granted and are not even considered in everyday life. Imagine an environment without trees, without dappled shade, bird song, and bursts of spring colour or autumn hues.

Enhancing a new development; existing trees on a new development will add a sense of maturity to a new building and can enhance property value if incorporated at the design stage. New trees will mature with a development enhancing the built environment as identified above.

2.3 South Cambridgeshire is experiencing extensive development both commercial and domestic from small developments to the establishment of a new town and urban extensions to Cambridge and all they incorporate.

- 2.4 SCDC has a duty to assess and consider the impact of any development on existing trees and ensure that there is provision and scope to retain existing trees and establish new planting to enhance, compliment and improve the existing.

Legal Framework

- 2.5 SCDC is guided by legislation & policy guidance at national, regional & local level relating to trees and development sites.

- 2.6 The Town and Country Act 1990 (section 197) specifically charges the Local Planning Authority with the duty:

‘to ensure whenever it is appropriate that, in granting planning permission for any development, adequate provision is made by the imposition of conditions for the preservation or planting of trees;

‘to make such (tree preservation) orders....as appear to the authority to be necessary in connection with the grant of such planning permission, whether for giving effect to such conditions or otherwise.’

Statutory Legislation

- 2.7 This sets a duty on the local planning authority to ensure when granting planning permission that adequate provision is made for the preservation and planting of trees through planning conditions and the serving of Tree Preservation Orders (TPO).
- 2.8 Section 211 of the Town and Country Planning Act 1990 (amended by Section 86 of the Planning and Compulsory Purchase Act 2004) means that consent from the local planning authority must be granted before trees within a Conservation Area can be cut down, lopped, topped, uprooted, wilfully damaged or wilfully destroyed.

Protected Trees

- 2.9 Trees may be protected through Conservation Area designation or a TPO. There may be planning conditions as apart of the decision notice or by the Forestry Act 1967 (as amended). To determine if a tree is afforded any protection the Trees & Landscape department should be contacted see Appendix 2.
- 2.10 SCDC as a local authority has the power to serve Tree Preservation Orders, this may be done either: -
- Prior to development
 - On receiving a planning application
 - During development
 - After development
- 2.11 Sites to be developed may also be important for species protected under wildlife legislation; this is covered in the SCDC Biodiversity SPD.

CHAPTER 3

THE DEVELOPMENT PROCESS

The British Standards Institute British Standard 5837: 2005 Trees in Relation to Construction

- 3.1 A good quality design cannot be achieved if the constraints of a site are not identified and considered. Comprehensive site surveys will allow for key components of a site to be retained and ensure that trees can be incorporated are protected throughout development and therefore longevity and new planting can flourish without causing damage to buildings or a nuisance to occupants.
- 3.2 Where there are existing mature trees on a proposed site for development SCDC will expect the layout to successfully incorporate the trees in a realistic manner; in areas of public use or feature tree rather than a mature tree retained in a small private rear garden. Consideration of the front elevations of buildings onto trees or proposed new planting must also be addressed for the longevity of the enhancements that trees bring to development.
- 3.3 Landscape design is a must consideration in a development for retaining trees and incorporating them into a new landscape. Landscape Architects are advised to consider sections 13 and 14 of BS 5837 2005; dealing with new planting, future requirements and relationship to a development. Site visit are invaluable in assessing the site prior to submission of any landscape scheme, guidance is also provided in the Landscape SPD.
- 3.4 Masterplans at the concept stage should include landscape proposals & arboricultural information presented in a professional manner by a competent arboricultural consultant who clearly provides the data and information required for the officer to make a concise and comprehensive assessment on site.
- 3.5 Information that is not clear and concise will be required to be re-submitted, this will delay a planning application or starting works on site.
- 3.6 SCDC will be guided by BS 5837 2005; this standard provides guidance on the current best practice for the industry. Used in conjunction with other guidance notes on trees and development and current best practice, See Appendix 2.

Pre-application

- 3.7 Consultation with SCDC officers prior to submission of a planning application is encouraged so helpful advice, guidance and an understanding of requirements for all parties is considered.

Contact SCDC to arrange a site visit or informal conversation to discuss proposals, See Appendix 1 for contact details

Planning Application

- 3.8 Production of accurate and interpretable data will enable for a comprehensive and objective comments to be made. Non-submission of this detail can hold up a decision notice being issued.

Details of the information required is giving in Chapter 4

Determination of Planning Applications

- 3.9 In determining any application all required information and data relating to trees must be submitted with the planning application.
- 3.10 In submitting the detail at an early stage in the planning process SCDC can evaluate and balance between tree and landscape losses, gains and requirements of the development. This will provide a basis for the application of appropriate planning conditions.

Implementation of Planning Permission

- 3.11 The consideration of trees, existing and new have often ended up being a secondary thought or emergency response to comply with a planning condition. SCDC aims to encourage developers to think beyond obtaining initial planning permission and to consider all aspects of the development that may impact on trees and landscaping making provision for their integration at an early stage so that their establishment/retention is one of longevity.
- 3.12 Developers have a responsibility to seek professional advice in relation to existing trees, woodlands and other vegetation to ensure a high quality development.

CHAPTER 4

SURVEY REQUIREMENTS

- 4.1 Every development site will be different in scale and complexity; the following may be required in part or all. For this reason pre application discussions with the officer will help clarify requirements.

The survey data will facilitate an Arboricultural Implications Assessment of the proposals.

Site Surveys

- 4.2 Site plans; several layers of information are required to make a comprehensive and efficient evaluation of a proposed planning application where trees are apart of the decision making process. These can be put onto the following: -

Land Survey; For determining a planning application where trees are to be considered on site the following must be plotted accurately to scale.

- Location of all trees on site and adjacent to, including any trees which are off site but may influence the site or have landscape value
- Existing structures and features
- Utilities: - Overhead cables
Underground services
- Spot heights of ground level across the site to avoid level changes in the proximity of tree to be retained, this information will allow interpretation of any arboricultural implications of any changes in ground level.

For large or complex sites a hydrological and soil survey may be required to inform an assessment of any changes impacting on trees.

Tree Survey

- 4.3 Any planning application for a development site where trees are present must be submitted with a tree survey as outlined in BS 5837 2005. This should be undertaken by an experienced and competent arboriculturalist, record information on the trees independently of proposals for the site. This also includes any hedges on site and any adjacent trees to the site that may be affected by the proposed development, e.g. trees overhanging the site, shading of the site.
- 4.4 Pre-development tree survey must include:-
- Site plan, clearly marked to scale, with trees accurately plotted (within 1m) including boundary trees, if there is woodland show the woodland edge and crown spread, hedgerows.
 - All trees individually and accurately numbered to correspond with the plan.

- Group numbering may be acceptable where trees are growing together and are not directly affected by the proposed development; group numbering is not acceptable where development is within the crown spread of an individual within the group.
 - A tree survey schedule to be submitted, an example is in Annex D of BS 5837
 - Categorized in accordance with Table 1 in BS 5837 2005, identifying trees for retention & removal, current/potential amenity value.
- 4.5 Any significant groups of small trees & shrubs, which are of merit, should be plotted undertaken in the context of the site e.g. residential, industrial,
- 4.6 Any tree for removal to accommodate development or removal for other reasons e.g. poor structural integrity or disease must be accurately and clearly identified and proposals for replacement planting submitted; this can be apart of a landscaping scheme.
- 4.7 Future growth of the tree, light issues future conflict and shading pattern. These will be specific to each site and type of development but must be considered when developing a site and proposing new trees. SCDC will look at the proposals for longevity of seeing new trees reach maturity to compliment and enhance a development. Not to show willing for the short-term gain of a site.

Tree Constraints Plan (TCP)

- 4.8 Trees on and adjacent to a development site will influence the layout and design both visually and in the construction. The TCP should identify and show above ground and below ground constraints represented by the Root Protection Area (RPA). The RPA should be plotted around each tree to be retained within the development site or is adjacent too and requires protection.
- 4.9 Where a development encroaches into a RPA there may be scope for proposals to mitigate damage. This needs to be discussed and agreed with the Trees Officer to ensure the survival of the tree and proposed structure(s) prior to commencement of the development in accordance with current best practice.
- 4.10 Services must be considered within the constraints plan, both existing and new as installation of trenches, excavation of old services, soakaways, overhead utilities may impact on any trees and vice versa.
- 4.11 Other impacts of trees within a site to be either considered or requested by the officer are the effects of shading and the future growth and development of trees. This information can be included on a scale plan or discussed prior to a planning application being submitted; further information can be found in Appendix 2.
- 4.12 New landscaping is an important part of new development; areas for new planting should also be protected through the development process – similar to that for tree protection. If this is not practical to achieve due to

other site constraints then details of soil amelioration will be requested to ensure the establishment of new planting.

Tree Protection Plan (TPP)

- 4.13 The TPP is a scale drawing produced by an arboriculturalist that shows the final layout; the built structures, infrastructure, trees for retention plotted with their RPA's showing tree protection measures submitted with an Arboricultural Method Statement (AMS)

Arboricultural Method Statement (AMS)

- 4.14 An AMS details how a specific process will be carried out in relation to development on site that has the potential to result in the damage or loss of a tree. This must include a timetable indicating WHEN and HOW works affecting trees are to be undertaken including: -

- Installation of tree protection, type, installation method, distance from tree(s)
- Tree surgery works
- Demolition of existing structures
- Removal of existing hard standing where trees are compromised

Arboricultural Implications Assessment (AIA)

- 4.15 An AIA is a comprehensive study undertaken by a competent arboriculturalist, produced with due consideration to the tree survey, tree constraints plan, topographical survey and in relation to development proposals. This document should include: -

- Root Protection Area
- Installation of root barriers
- Specification for surface changes
- Method of operation for level changes
- Specification for trenching works
- Method of operation for trenching works
- Soil amelioration works

Note: - if there are trees on site which are outside of the development area then they will still require protection however a full survey may not be required – this can be stated in the Design and Access statement.

Protection of Trees During Construction

- 4.16 Trees on development sites can be damaged prior to any construction, demolition and clearance of structures. Prior to any demolition, vegetation removal, materials, machinery or site structures arriving tree protection must be in situ in accordance with BS 5837 2005 or as agreed with the SCDC officer as apart of the decision notice issued.

Direct Damage

- 4.17 Direct damage can be caused from works traffic damaging low hanging branches and ripping them off and removal of bark. This type of damage can lead to a tree being identified for retention having to be removed.

Indirect Damage

- 4.18 **Level Changes;** raising levels within the root area of a tree even by a few centimetres can be detrimental. Compaction can occur; roots can be suffocated preventing exchange of oxygen, carbon dioxide and moisture through the roots to the soil surface. Lowering levels can sever roots destabilising the tree and leaving it open to colonisation by decay organisms, drainage may be modified reducing water availability placing a tree under stress.

Soil Contamination; this can be caused by spillages of oil, fuel, chemicals and the mixing of cement and washing from machinery.

THERE SHOULD BE A DESIGNATED AREA FOR STORAGE OF
PETROCHEMICALS AND OTHER MATERIALS, WASHINGS FROM
EQUIPMENT WHICH CAN CONTAMINATE SOIL

Soil Compaction; Compaction of the soil can occur with only two or three passes of a vehicle over the same area of soil. Once soil is compacted the soil pores are squashed and unable to hold oxygen or infiltration of water. Consideration of the movement of vehicles in around the site needs to take into consideration trees as some sites may require metal track way or boards to allow vehicle movement.

Fires; The heat from the flames of a fire will damage a trees vascular system under the bark even if there is no visible damage. The heat from the base of a fire into the ground can cause damage to the roots of a tree, drying them out leading to their death. This can leave the tree with damaged structural roots along with the loss of the fibrous root system that is used to supply a tree with water and dissolved nutrients. These actions will prevent the tree from functioning effectively, placing it under stress and open to decay organisms.

Management of Trees During Construction

- 4.19 Site supervision by an experienced arboriculturalist in development sites, root-zone and aerial arboricultural works will generally be stipulated for all or some of the operations during the development of a site where trees are the consideration and works have been approved.
- 4.20 At any time during the development phase site visits will be made to ensure that all approved conditions are being complied with, in the event that there is an unexpected situation where a tree is damaged or requires works not agreed contact with the officer is advised to prevent conflict.

New Planting

- 4.21 New planting will have been approved under a proposed and approved landscaping scheme – this may include the replacement for trees removed from site. BS 4043 & 3936 provide details on handling and transplanting tree stock. There is continuing new industry practice and materials to establish trees within the built environment for longevity without becoming a nuisance in their maturity, these need to be considered in planting schemes and their specifications.

For full details see SPD on Landscaping

Street Tree Planting

- 4.22 In certain circumstances it may be appropriate for SCDC to require the provision of street trees to be incorporated into a development. This will include new streets created within developments or where a development fronts or joins a highway. In such circumstances the incorporation of street trees must be considered at the design stage of the development frontage or highway to ensure there is adequate rooting area to avoid future nuisance.

APPENDIX 1**LOCAL DEVELOPMENT FRAMEWORK POLICIES
SUPPLEMENTED BY THE SUPPLEMENTARY PLANNING
DOCUMENT****Development Control Policies Development Plan Document**

DP/1 Sustainable Development – in particular parts o and p
 DP/2 Design of New Development – in particular parts b, j, k, and l
 DP/3 Development Criteria – in particular parts m and o
 Natural Environment Objectives – in particular objectives NE/b and NE/c
 NE/6 Biodiversity
 CH/5 Conservation Areas

Northstowe Area Action Plan

NS/2 Development Principles – in particular part d
 The Site and Its Setting Landscape Objectives C2/a - C2/d
 NS/4 Green Separation from Longstanton and Oakington
 Landscape Objectives – in particular objectives D7/a, D7/c, D7/d, D7/g and D7/h
 NS/12 Landscape Principles
 NS/13 Landscape Treatment of the Edges of Northstowe
 NS/14 Landscaping Within Northstowe
 Biodiversity Objectives D8/a – i
 NS/16 Existing Biodiversity Features
 NS/17 New Biodiversity Features
 NS/25 Strategic Landscaping

Cambridge Southern Fringe Area Action Plan

CSF/1 The Vision for the Cambridge Southern Fringe
 CSF/2 Development and Countryside Improvement Principles – in particular parts 3
 and 9
 Trumpington West and the Southern Setting of Cambridge Objectives – in particular
 C2/a, CS/c and C3/a - d
 CSF/5 Countryside Enhancement Strategy
 Landscape Objectives – in particular D6/a, D6/c, D6/d, D6/g and D6/h
 CSF/12 Landscape Principles
 CSF/13 Landscaping within Trumpington West
 CSF/14 Linking Trumpington West with its Surroundings
 Biodiversity Objectives D7/a – f
 CSF/15 Enhancing Biodiversity
 Phasing and Implementation Objectives – in particular E1/b

Cambridge East Area Action Plan

Vision and Development Principles Objective B/a
 CE/1 The Vision for Cambridge East

CE/2 Development Principles – in particular part 3
The Site and Its Setting Landscape Objectives C3/a - d
Landscape Objectives D7/a - h
CE/13 Landscape Principles
CE/14 Landscaping Within Cambridge East
CE/15 Linking Cambridge East to its Surroundings
Biodiversity Objectives D8/a – i
CE/16 Biodiversity
CE/17 Existing Biodiversity Features
Implementation Objectives – in particular E1/b
CE/30 Early Delivery of Strategic Landscaping
CE/33 Infrastructure Provision – in particular part g

APPENDIX 2

CONTACT DETAILS AND FURTHER INFORMATION

Trees and Landscape Officer
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridgeshire
CB23 6EA

Tel: 08450 450 450

Web Site: www.scambs.gov.uk

OTHER RELEVANT SUPPLEMENTARY PLANING DOCUMENTS

Landscape Guidance for Development Sites

Biodiversity

NATIONAL INFORMATION

British Standards

BS 5837 2005 Trees in Relation to Construction recommendations
BS 3998 1989 British Standard Recommendations for Tree Works
BS 3936-1 1992 Nursery Stock Part 1: Specification for Trees & Shrubs
BS 4043 1966 Transplanting Semi Mature Trees
BS 5236 1975 Cultivation and planting of trees in advanced nursery stock category
BS 4428 1989 Code of Practice for General Landscape Operations (excluding hard surfaces)
BS 8206 1992 part 2 Lighting for Buildings

BS 1192 199 Construction drawing practice Part 4 Recommendations for landscape drawings

BS 1377 Methods of test for soils for civil engineering purposes
BS 5930 Code of Practice for site investigations.

Building Research Establishment; Site Layout planning for daylight and sunlight: a guide to good practice: P J Littlefair.

Arboricultural Practice Notes –Tree Advice Trust

USEFUL ADDRESSES**Arboricultural Association**

Ampfield House

Ampfield

Nr Romsey

Hants, SO51 9PA

Tel: 01794 22022

Fax: 01794 368978

Web Site: www.trees.org.uk**Arboricultural Advisory & Information Service (Tree Advice Trust)**

Forest Research Station

Alice Holt Lodge

Wrecclesham

Farnham, Surrey

Web Site: www.treehelp.info**Institute of Chartered Foresters**

7A Colme Street

Edinburge

EE3 6AA

Tel: 0131 225 2705

Web Site: www.charteredforesters.org**Ancient Tree Forum**

C/o Woodland Trust

Autumn Park

Dysart Road

Grantham

Lincolnshire

NG32 6LL

Web Site: www.woodland-trust.org.uk/ancient-tree-forum**Institute of Civil Engineers**

One Great George Street

Westminster

London

SW1P 3AA

Tel: +44 (0)20 7222 7722

Web Site: www.ice.org.uk**Building Research Establishment**

Bucknalls Lane

Watford

WD25 9XX

Tel: +44(0)1023 66400

Web Site: www.bre.co.uk

British Association of Landscape Industries (BALI)

Landscape House
Stoneleigh Park
National Agricultural Centre
Warwickshire
CV8 2LG

Tel: 0870 770 4971

Web Site: www.bali.co.uk**Institute of Leisure and Amenity Management**

ISPAL
The Grotto House
Lower Basildon
Reading
RG8 9NE

Tel: 01491 874800

Web Site: www.ispal.org.uk**Institute of Structural Engineers**

11 Upper Belgrave Street
London
SW1X 8BH
United Kingdom

Tel: +44 (0)20 7235 4535

Commission for Architecture and the Built Environment (CABE)

1 Kemble Street
London
WC2B 4AN

Tel: 020 7070 6700

Web Site: www.cabe.org.uk**Landscape Institute**

33 Great Portland Street
London
W1W 8QG

Tel: 020 7299 4500

Web Site: www.landscapeinstitute.org**Royal Institute of Chartered Surveyors**

Contact Centre
Surveyor Court
Westwood Way
Coventry
CV4 8JE

Tel: +44 (0)870 333 1600

Web Site: www.rics.org

National Housing Building Council

Buildmark House
Chiltern Avenue
Amersham
HP6 5AP

Tel: 01494 723530

Web Site: www.nhbc.co.uk

Royal Town Planning Institute

41 Botolph Lane
London
EC3R 8DL

Tel: 020 7929 9494

Web Site: www.rtpi.org.uk

Royal Institute of British Architects (RIBA)

66, Portland Place
London
W1B 1AD

Tel: +44 207 580 5533

Web Site: www.architecture.com



Local Development Framework
**Development Affecting
Conservation Areas**

Supplementary Planning Document

Consultation Draft May 2008

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**If you would like a copy of this document
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08450 450 500 or email ldf@scambs.gov.uk**

CONTENTS

	Page
Chapter 1 Introduction	1
Chapter 2 New Developments in Conservation Areas	5
Infill Sites	5
Backland Development	6
Location on Plot	6
Scale, Massing Form and Detailing	7
Materials, Including Salvaged Materials	9
Outline Applications	10
Chapter 3 Extensions to Existing Buildings Within Conservation Areas	11
Siting	11
Scale, Form and Massing	11
Materials	12
Chapter 4 Demolitions in Conservation Areas	15
Chapter 5 Advertisements and Signage	17
Chapter 6 Solar Collectors and Wind Turbines	19
Chapter 7 Satellite Dishes	21
Appendix 1 Process Diagram	
Appendix 2 Further Information	

CHAPTER 1 INTRODUCTION TO THE SUPPLEMENTARY PLANNING DOCUMENT

- 1.1. This South Cambridgeshire District Council (SCDC) Supplementary Planning Document (SPD) on Development Affecting Conservation Areas forms part of the South Cambridgeshire Local Development Framework (LDF).
- 1.2. The SPD expands on district-wide policies in the Development Control Policies Development Plan Document (DPD), adopted in July 2007, and policies in individual Area Action Plans for major developments that may vary from the district-wide policies. It provides additional details on how they will be implemented. Policies seek to ensure that Conservation Areas are adequately addressed throughout the development process.
- 1.3. The policy builds on Planning Policy Guidance for Conservation Areas as set out in Planning Policy Guidance (PPG) note 15: Planning and the Historic Environment (September 1994).
- 1.4. Conservation Areas are defined as '*areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance*'. South Cambridgeshire is a district comprising over 100 villages and contains over 80 conservation areas; as a result the majority of historic village cores are also designated as Conservation Areas.

PURPOSE

- 1.5. The aim of this Supplementary Planning Document is to provide additional advice and guidance on developments affecting these Conservation Areas and to expand on the broad policy set out in the Development Control Policies DPD Policy CH/5 and PPG 15.
- 1.6. Specific objectives of this document are to:
 - Assist applicants' understanding of whether conservation area consent is required to undertake proposed works;
 - Assist applicants' understanding of the local historic context, help identify features of importance to the character of Conservation Areas, and ensure that proposed developments are appropriately designed to protect and, where possible, enhance their character;
 - Assist applicants gain conservation area consent and / or planning permission quickly by informing them what information is required to accompany planning applications to justify their proposals and demonstrate what impact they would have on the character of the Conservation Area;
 - Ensure that development is undertaken in an appropriate manner to avoid adverse harm to the character of the Conservation Area.

SOUTH CAMBRIDGESHIRE LDF POLICY

- 1.7. Development proposals in or affecting Conservation Areas will be controlled by the following policy in the Development Control Policies DPD:

POLICY CH/5 Conservation Areas

Planning applications for development proposals (including applications for Conservation Area Consent for demolitions) in or affecting Conservation Areas will be determined in accordance with legislative provisions and national policy (currently PPG 15), together with the local policies set out in Supplementary Planning Documents and guidance contained in specific Conservation Area Appraisals (where they exist) and the District Design Guide.

- 1.8. When considering Planning Applications for Developments in Conservation Areas PPG 15 offers the following guidance:

Paragraph 4.14 of PPG 15 states: 'Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those which relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area.'

Paragraph 4.19 reinforces this and states: 'The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.'

Finally, in this respect, paragraph 4.20 states: 'As to the precise interpretation of 'preserve or enhance', the Courts have held (South Lakeland DC v Secretary of State for the Environment, [1992] 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.'

- 1.9 Development affecting Conservation Areas include:
- The construction of new buildings;
 - The extension of existing buildings;
 - The demolition of an existing building;
 - The siting of an advertisement;
 - Solar panels and wind turbines in Conservation Areas;

- The siting of satellite dishes in Conservation Areas;

Note: The issue of trees in Conservation Areas is the subject of a separate SPD.

- 1.10 In considering applications for such developments the District Council will seek to ensure that the development will not harm the architectural or historic character and appearance of the Conservation Area. Many historic buildings within Conservation Areas are also listed, and developments affecting these listed buildings or their setting will also need to comply with the policies set out in the separate SPD on works to Listed Buildings.
- 1.11 The District Council has embarked on a programme to prepare individual character appraisals and management plans for all Conservation Areas in South Cambridgeshire, but given the numbers involved this process will take some time to complete. Where an appraisal exists it will identify the key characteristics of the area, as well as important gap sites, views and vistas, key buildings, walls and trees and other built or natural features. Any planning application within, or adjacent to, a Conservation Area will be considered against the key characteristics identified within the appraisal and the policies outlined in the management plan.
- 1.12 As stated in Policy CH/5, the District Council has adopted as council policy a district wide *Design Guide* which also contains relevant guidance on design issues. This is due to be reviewed and updated prior to adoption as SPD in its own right.

CHAPTER 2 NEW DEVELOPMENT IN CONSERVATION AREAS

INFILL SITES

- 2.1 Many villages include gap sites that are physically large enough to accommodate infill development. In considering any proposal for such site the District Council will consider the value of that site as open ground in the Conservation Area and the contribution it makes to the Conservation Area. Gap sites frequently afford views through the area, sometimes to a key building (such as the church) or to open countryside beyond the village framework.



An important view towards a church that should be retained and protected from infill development.

- 2.2 It may also be desirable to retain a gap site in order to preserve the pattern and rhythm of development in the village. Thus, on the edge of a village the pattern of development may be for the buildings to be sited further apart, set in larger plots, and where the inclusion of a new infill dwelling would disturb this established pattern.
- 2.3 Where a character appraisal has been prepared, this will assist in the identification of key vistas and views and also assist in defining the pattern and rhythm of development within the Conservation Area.
- 2.4 However, and as noted in PPG15, '*many Conservation Areas include gape sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area*'. Where a character appraisal exists, this should identify such sites and buildings.
- 2.5 The District Council will refuse applications for infill development on sites that make an important contribution to a Conservation Area, either by affording key views or ensuring the pattern and rhythm of development is retained. The District Council will encourage appropriate development/redevelopment on sites that are identified in Conservation Area character appraisals as detracting from the character or appearance of that Conservation Area.

- 2.6 Some gap sites are located adjacent to a Listed Building and development of that site may impact on the setting of the Listed Building. In considering an application to develop such a site the District Council will take into consideration the impact that that development will have of the setting and wellbeing of the adjacent Listed Building.
- 2.7 The District Council will refuse applications for infill development where that development would harm the setting or wellbeing of an adjacent Listed Building.

BACKLAND DEVELOPMENT

- 2.8 Frequently older properties can be located within substantial plots and these are often viewed as having development potential. Depending on the location of the existing dwelling, such development may need to be in the form of *Backland* development, whereby the new dwelling is built to the rear of the existing dwelling. A number of issues may arise from this type of proposal (including the need to upgrade the access to a shared access, overlooking/privacy between the host dwelling and the new dwelling and/or their private external spaces etc). In addition to these Development Control issues, where backland development is proposed within a Conservation Area the impact of the proposal on the pattern of development in the vicinity will also need to be carefully considered.
- 2.9 The South Cambridgeshire Design Guide identifies that a number of villages have a strong linear form and in such villages backland development may weaken or erode this character. The District Council will refuse Planning Permission for backland development where that development would erode the character and/or undermine the pattern of development in a Conservation Area.

LOCATION ON PLOT

- 2.10 Careful consideration must be given to where a building is located on a plot, and this should reflect the traditional precedents set elsewhere within a particular Conservation Area. Frequently this will require new structures to be built tight to the back of a pavement or aligned down a side boundary, in contrast to the presumption of many developers to site the buildings in the middle of their site.



New infill development in Bassingbourn Conservation Area set close to the back of the pavement to align with adjacent structures on the High Street.

SCALE, MASSING, FORM AND DETAILING

- 2.11 It is important for the overall scale of any new development to be proportionate to the size of village in which it is to be located and for the scale of individual buildings within a development to reflect the predominant scale of buildings found adjacent, and/or across a particular Conservation Area. The District Council will refuse planning permission for developments that fail to reflect the scale of buildings within a Conservation Area or dominate or otherwise cause harm.
- 2.12 It is also important for new structures to have an appropriate mass and form. Many traditional cottages located in the conservation areas of South Cambridgeshire are wide frontage and have a narrow plan depth. Modern housing frequently adopts a deeper plan form; with semi-detached or terraced housing is often having narrow frontages onto the street. Such house types may be inappropriate for use in Conservation Areas and the expectation is that individual house types will be developed that will result in a built form that relates positively to the predominant, traditional built form in vicinity of the site or the wider Conservation Area.
- 2.13 Where a design seeks to replicate traditional built forms of the area it is important that this is extended down into the construction details. All too frequently standard modern details can weaken the architectural impact of a new development. For instance, the location of window frames in walls needs to be carefully considered; in brickwork it is traditional for the window to be set back from the front face of the wall, whereas in a timber frame structure the frame is generally set flush with the front face. Other details, such as eaves, verges, chimneys, dormers et cetera are equally important.



Traditional timber sash window to a new house set 100mm back from face of the brickwork and with a sub-cill. Note also the use of Flemish bond in the brickwork together with the shaped 'voussoir' bricks over the opening.

- 2.14 Detailing includes the brick bond selected for a development and again most traditional structures were constructed with solid walls in Flemish bond, whereas most modern structures employ cavity walls and stretcher bond brickwork. Where appropriate, the District Council will require traditional Flemish, English or English Garden Wall bond to be employed for developments in Conservation Areas (these may be constructed using snapped headers in cavity walls).

- 2.15 Detailing is equally important on contemporary design solutions and again it should be emphasised that many details found on standard, estate type housing will not be considered appropriate in Conservation Areas.



*Appropriately detailed
contemporary housing sited within
the Melbourn Conservation Area*

- 2.16 In order to ensure appropriate detailing is incorporated into new developments, the District Council may require (by way of conditions) the submission and approval in writing of large scale details (generally at a scale of not less than 1:20) for specific parts of a development.

MATERIALS, INCLUDING THE USE OF SALVAGED MATERIALS

- 2.17 In order for new developments to sit comfortably within the setting of a Conservation Area it is important that they are constructed of appropriate materials, ie materials drawn from the pallet of traditional materials found in the locality. The use of bricks of an inappropriate colour and/or texture, concrete roof tiles, artificial slates and uPVC windows and doors all detract from Conservation Areas. The selection of materials also includes both hard and soft landscaping and boundary treatments. The material selection for these elements of a design will again be expected to draw on the traditions of the area, including good quality bricks, clay plain tiles and pan-tiles, blue/black natural slate and timber windows (generally painted). Where clay tiles are used (be they plain tiles or pan-tiles), they should be of a form and size that matches the traditional clay tiles used in the District. Modern interlocking clay 'plain-type' tiles and the larger, continental type of pan-tile are generally not considered suitable for use in Conservation Areas. Boundaries will generally be formed in brick walls or native species hedge rather than close boarded fencing. The District Council will refuse planning permission for schemes that do not specify appropriate, traditional, local materials, though where exceptional, high quality contemporary designs propose appropriate but non-traditional materials these will be considered on an individual basis. The District Council will expect to agree and approve a high standard of design, planting and materials for the hard and soft landscaping of the open public, or private, spaces connected with developments in Conservation Areas.
- 2.18 It should also be noted that there is a discernable hierarchy in the use of roofing materials on traditional buildings in South Cambridgeshire. The pallet of roofing materials found in the District include longstraw thatch, reed thatch (originally restricted to a geographic area comprising the fen-edge) plain tiles, pan-tiles and

Welsh slate (though slate did not find its way into the area in any quantity until after the introduction of the railways in the middle of the 19th Century). While thatch might be found on any structure from a church down to a humble out-building, plain tiles are generally only found on houses and other more significant buildings. In this district they are only rarely used on barns and other farm buildings (though most dovecotes area either thatched or roofed in plain tiles). Barns, stables and poorer quality cottages would traditionally be roofed in pan-tiles or thatch and in the 19th Century, in the re-building that following a number of major fires in villages, the vulnerable thatch was replaced by slate on all types of structures. New developments in Conservation Areas should respect this hierarchy and will resist the use of plain tiles on barn conversions or in schemes that seek to replicate traditional groups of farm buildings.

- 2.19 Over recent years there has been an increasing move to use recycled building materials, and in particular bricks, slates and roofing tiles. The use of salvaged building materials in the Historic Environment needs to be undertaken with a deal of care and it is often more desirable to be architecturally 'honest' and use new rather than recycled materials. The philosophical reasoning behind this is in that the ability to be able to 'read' and understand the pattern of development of a village is important to our understanding of the growth of that particular community. Therefore a contemporary building undertaken with new, but sympathetic, materials can readily be appreciated as such, whereas a traditional styled building undertaken with salvaged materials might attempt to trick the observer into believing it is older, or even part of the original fabric of the Conservation Area. This issue is particularly important when the new building is within the curtilage of, or adjacent to, a Listed Building. However, in order to address the wider sustainability agenda there is a need to promote the reuse of salvaged building materials, and there will be some sites where a more relaxed attitude towards the use of salvaged materials in Conservation Areas can be accommodated, so long as the texture and colour of materials is appropriate.
- 2.20 The District Council will require appropriate **new** materials to be used for all significant new developments affecting the setting of Listed Buildings, but acknowledges that it may be acceptable to use appropriate, locally salvaged materials for other non-listed extensions or new-build structures in Conservation Areas.

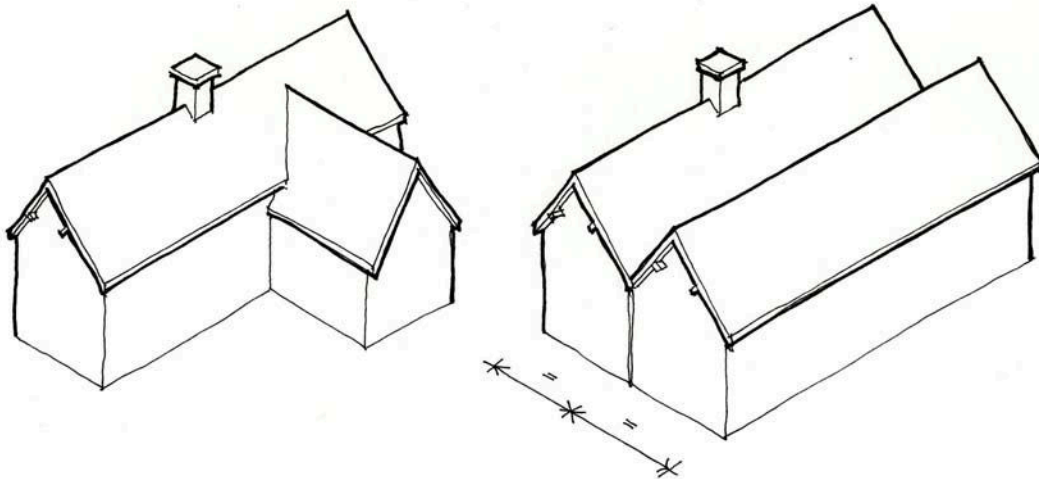
OUTLINE APPLICATIONS

- 2.21 In order to determine whether or not a proposal will 'preserve or enhance' a Conservation Area it is necessary to be able to fully understand the implication of a proposal and to see that proposals in its context. Outline applications that otherwise contain sufficient information as required by the regulations may not contain sufficient information to enable their impact to be properly determined. Outline applications may therefore not be appropriate in Conservation Areas and when submitted are likely to result in requests for additional information such as key elevations, location of structures, details of access et cetera. The District Council will refuse Outline Applications for developments within Conservation Areas, or affecting their setting, where the information submitted is not sufficient to determine whether or not the proposal would preserve or enhance that Conservation Area.

CHAPTER 3 EXTENSIONS TO EXISTING BUILDINGS WITHIN CONSERVATION AREAS

SITING

- 3.1 The siting of an extension within a Conservation Area can be equally as important as the siting of a new structure, and often for the same reasons. A poorly sited extension may block a view within the Conservation Area (say to the church tower) or result in a structure that dominates a street scene. Due consideration should be taken into account of the siting of the original building and how it relates to the public realm, particularly when extending traditional structures and those identified as being of architectural or historic interest. Consideration should also be given to historical precedents that exist for extending traditional buildings. A wide frontage narrow plan form building might be extended by adding a wing at right angles to the rear, or adding a parallel range to create a 'double-pile' building, while smaller extensions could take the form of a simple, single storey lean-to on a gable end.



Extension in the form of a wing at right angles to the rear (left) and by adding a parallel range to create a 'double-pile' building (right).

- 3.2 It is important that planning applications for extensions are accompanied by sufficient information to show the extension in its context, such that a true assessment of its impact can be made.

SCALE FORM AND MASSING

- 3.3 There is a general assumption that any extension should be subservient to the original structure, and for it to be proportionate. When extending traditional structures that make a positive contribution to a Conservation Area it is particularly important that the scale, form and massing of the extension all acknowledge the original structure, along with the original roof form. A wide frontage, narrow depth cottage with a simple gabled roof should not be swamped by a new extension on the rear with a wide, hipped roof. Just because something is structurally possible does not make it architecturally acceptable. Many conservation areas include traditional, symmetrical, double fronted cottages and houses. When extending such properties, and especially when the extension is to be sited on the side rather than the rear, great care should be taken so that the original symmetrical form is

not disturbed. In these instances it may be appropriate to set the extension back from the front face of the building and to adopt a lower ridge and eaves line.



Extension to a semi-detached dwelling in the Histon Conservation Area that respects the form, scale and massing of the original. Note also the appropriate material selection and the well detailed sash windows.

MATERIALS

- 3.4 Materials used in extending a property should generally reflect those used to construct the original structure, though there are circumstances when it is more appropriate to use contrasting materials to enable the extension to be clearly 'read' as an addition. The choice of materials should generally accord with the principles set out in chapter 2.



*Top
Extension constructed in
contrasting, but complementary
materials so that the symmetry of
the existing cottage is not
compromised.*

*Bottom
Extension constructed in
matching materials but with a
clear visual break to separate the
old from the new.
Both examples from Little
Abington Conservation Area*

CHAPTER 4 DEMOLITIONS IN CONSERVATION AREAS

- 4.1 Conservation Area Consent is required to demolish any building with a volume over 115 cubic metres (aside from post 1948 agricultural buildings and last used for agriculture). In respect of demolitions within Conservation Areas PPG 15 states: *'account should clearly be taken of the part played in the architectural or historic interest of the area by the building for which demolition is proposed, and in particular of the wider effects of demolition on the building's surroundings and on the conservation area as a whole. The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings.'*
- 4.2 South Cambridgeshire District Council will determine all applications for Conservation Area Consent in accordance with the guidance set out in PPG15 and will require a structural engineer's report for applications for the demolition of any pre 1945 structure. A structural engineer's report may also be required when Conservation Area Consent is sought for a post 1945 structure if that structure is deemed to be of architectural interest.
- 4.3 When Conservation Area Consent is granted for the demolition of a structure, conditions may be added requiring the recording of the building prior to demolition and also to provide that demolition shall not take place until a contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted. The latter is intended to avoid ugly gaps from appearing in conservation areas as a result of demolition far in advance of redevelopment.



Bishop's Cycles in Histon Conservation Area, where consent has been granted for its demolition but the demolition cannot commence until consent has been granted for the redevelopment of the site

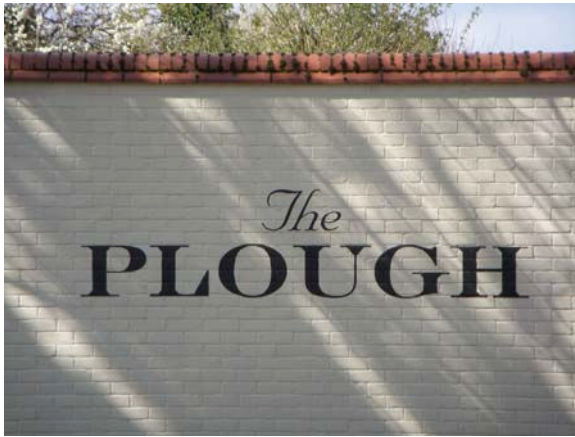
- 4.4 Where advanced dilapidation and poor structural condition result in the granting of consent for demolition of a building of architectural or historic interest, conditions may be included requiring the salvage of materials and/or components, and for those materials and/or components to be incorporated into the redevelopment on the site.

CHAPTER 5 ADVERTISEMENTS AND SIGNAGE

- 5.1 It should be noted that advertisements are specifically controlled by Policy CH/8 in the Development Control Policies DPD. This states:

POLICY CH/8 Advertisements

- 1. Advertisements will be restricted to the number, size, format, materials and design appropriate to the building or locality to which it is proposed they be attached in order not to detract from the character and appearance of the district.**
 - 2. Advertisements alongside roads will not be permitted where they would prejudice road safety.**
 - 3. In Conservation Areas and on, or affecting, Listed Buildings, advertisements will be kept to a minimum in order to maintain the character and appearance of Conservation Areas and to avoid harm to the fabric, character or setting of Listed Buildings.**
- 5.2 PPG 15 Notes: *'All outdoor advertisements affect the appearance of the building or the neighbourhood where they are displayed. The main purpose of the advertisement control system is to help everyone involved in the display of outdoor advertising to contribute positively to the appearance of an attractive and cared-for environment'*
- 5.3 When considering applications for the display of advertisements or signage in Conservation Areas consideration will be given to the size, design (including projection), materials, illumination (internal and external) and the application of lettering and/or logos.
- 5.4 The presumption is that on traditional buildings within Conservation Areas signage will be applied in a tradition manner, i.e. using traditional sign writing techniques on timber boards, or direct onto masonry or render. Permission will be refused for modern, perspex signage and/or applied lettering where such materials will be out of keeping with the context of a Conservation Area. Permission will also not be granted for internally illuminated signs within Conservation Areas. Where signs are to be illuminated this is to be achieved with modest and appropriately styled lamps directed onto the sign. Strict controls will be applied over the extent of any illuminated signs in Conservation Areas, to avoid harming their character and/or appearance, and also to avoid unnecessary light pollution.



New painted sign on masonry wall in the Fen Ditton Conservation Area. Note also that it was not thought necessary to have to provide lighting to this sign

- 5.5 Blinds or window/door canopies bearing lettering or symbols are generally not appropriate in Conservation Areas and permission will be refused for the installation of such blinds and canopies where it will result in harm to the character and/or appearance of the Conservation Area.

CHAPTER 6 SOLAR COLLECTION PANELS AND WIND TURBINES

- 6.1 South Cambridgeshire District Council is committed to the use of renewable energy technology where it is compatible with other policies of the Council. In Conservation Areas this is likely to involve the installation of micro-generation equipment, either in the form of solar collection panels (both photovoltaic and solar heated hot water) or small scale wind turbines.
- 6.2 In conservation areas the installation of solar panels on principle elevations, or on secondary elevations or outbuildings and visible from the street, require planning permission. In addition, the installation of any solar panel that extends more than 200mm above the face of the roof will also require planning permission, irrespective of its location. The installation of any wind turbine in a Conservation Area requires planning permission.
- 6.3 Applications for the installation of such equipment will need to be assessed on an individual basis, which will include an assessment of the visual harm that will result. Where solar panels can be sited away from the principal elevations of a building, or on outbuildings, there will be a presumption in favour of their installation. Solar panels in prominent locations, especially on buildings regarded as making a positive contribution to a Conservation Area, are more likely to result in harm. The District Council will refuse Planning Applications for the installation of solar panels that result in harm to the character and/or appearance of a Conservation Area.



Discretely located solar panel on a side elevation of a 20th century house in the Fulbourn Conservation Area

- 6.4 Wind turbines are more likely to be visually intrusive in a Conservation Area and may also result in noise and disturbance to others. Planning permission will only be granted for their installation where it is clearly demonstrated that no harm will result.

CHAPTER 7 SATELLITE DISHES

- 7.1 The permitted development rights for siting satellite dishes on non-listed buildings in Conservation Areas allow for the installation of a dish that has dimensions no greater than 100cm in any direction and with a cubic capacity of no more than 35 litres to be installed on the side or rear elevation of a private dwelling under 15metres high, provided it is below the eaves and not fixed to the roof or a chimney. There are no permitted development rights to site satellite dishes on buildings in multiple occupancy (such as flats) or on commercial premises.
- 7.2 The District Council will refuse applications for the siting of satellite dishes in prominent locations, and in particular on the front elevations of buildings of architectural or historic interest located within Conservation Areas. Where, for technical reasons, it is not possible to site a satellite dish on a side or rear elevation, consideration should be given to locating the satellite dish on either an outbuilding or a short pole in the rear garden.



Satellite dish located on an outbuilding to avoid compromising the historic structure

NEW BUILD

Does the development require the demolition of an existing structure over 115 cubic metres?

NO
The development only requires planning permission

YES
Conservation Area Consent is also required in addition to planning permission

Can the proposal require the building that contribute to the area?

NO

Justification to the detriment of a positive contribution to Conservation

YES

Will the development obstruct an important view within the Conservation Area or out to the open countryside?

YES

NO

Does the form, massing and scale of the development respect that found elsewhere in the Conservation Area?

NO

YES

Can the proposal be said to 'preserve or enhance' the character and appearance of the Conservation Area?

NO

YES

ALTERATIONS OR EXTENSIONS TO EXISTING BUILDINGS

Is the extension appropriately sited in relation to the existing building?

YES

NO

Is the extension subservient to the original building and of appropriate scale form and massing?

YES

NO

Is the proposal constructed of traditional materials appropriate to the particular Conservation Area?

YES

NO

Does the proposal include the installation of a satellite dish?

Planning permission is required to install satellite dishes on front elevations or on roofs or chimneys

Permission is likely to be refused to install satellite dishes on prominent front elevations of buildings that make a positive contribution to a conservation area

Does the proposal include the installation of solar panels?

Planning permission is required to install solar panels on front elevations of buildings and elsewhere where they stand 200mm above the roof

Permission is likely to be refused to install solar panels on prominent buildings that make a positive contribution to the Conservation Area and where installation in visual harmony is not possible

APPLICATION LIKELY TO BE FOUND CONTRARY TO PPG 15 AND POLICY CH/5 AND TO BE REFUSED

APPLICATION LIKELY TO BE FOUND CONTRARY TO PPG 15 AND POLICY CH/5 AND TO BE REFUSED

APPENDIX 2

FURTHER INFORMATION

LOCAL INFORMATION

OTHER RELVANT SUPPLEMENTARY PLANNING DOCUMENTS BY SCDG:

Trees and Development Sites SPD (Consultation Draft)

Works to Listed Buildings or Affecting The Setting Of SPD (Consultation Draft)

Biodiversity SPD (Consultation Draft)

NATIONAL INFORMATION

Planning Policy Guidance note 15: Planning and the Historic Environment (September 1994).

Planning Policy Guidance note 16: Archaeology and Planning (November 1990)

English Heritage Publications

Guidance on Conservation Area Appraisals

Guidance on the Management of Conservation Areas

Streets for All - East of England

Building in Context – New Development in Historic Areas

Retail Development in Historic Areas

The Conversion of Traditional Farm Buildings: A guide to good practice

Small Scale Solar Electric (photovoltaics) Energy and Traditional Buildings

Small-Scale Solar Thermal Energy and Traditional Buildings

Seeing The History in the View – A method of assessing heritage significance within views
(Draft for Consultation)

USEFUL ADDRESSES

Commission for Architecture and the Built Environment (CABE)

1 Kemble Stree

London

WC2B 4AN

Tel: 020 7070 6700

Web Site: www.cabe.org.uk

Institute of Civil Engineers

One Great George Street

Westminster

London

SW1P 3AA

Tel: +44 (0)20 7222 7722

Web Site: www.ice.org.uk

Institute of Structural Engineers

11 Upper Belgrave Street
London
SW1X 8BH
United Kingdom

Tel: +44 (0)20 7235 4535

Landscape Institute

33 Great Portland Street
London
W1W 8QG

Tel: 020 7299 4500

Web Site: www.landscapeinstitute.org**National Housing Building Council**

Buildmark House
Chiltern Avenue
Amersham
HP6 5AP

Tel: 01494 723530

Web Site: www.nhbc.co.uk**Royal Institute of British Architects (RIBA)**

66, Portland Place
London
W1B 1AD

Tel: +44 207 580 5533

Web Site: www.architecture.com**Royal Institute of Chartered Surveyors**

Contact Centre
Surveyor Court
Westwood Way
Coventry
CV4 8JE

Tel: +44 (0)870 333 1600

Web Site: www.rics.org**Royal Town Planning Institute**

41 Botolph Lane
London
EC3R 8DL

Tel: 020 7929 9494

Web Site: www.rtpi.org.uk

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Portfolio Holders Meeting	14.05.2008
AUTHOR/S:	Executive Director / Corporate Manager (Planning and Sustainable Communities) / Acting Building Control manager	

BUILDING CONTROL CHARGES FOR ADDITIONAL SERVICES**Purpose**

1. To propose that Building Control charge for additional services required by our customers that fall outside the Building Control Charges Scheme. This is to better reflect the costs incurred by these additional services that are neither statutory nor required to be provided as part of the Building Control Service.
2. To provide as an additional service, a late Completion scheme to assist customers in the sale of their properties.

Executive Summary

3. Building Control carries out a number of functions that are outside the core business and it is proposed that this is paid for by the introduction of charges to cover the administrative cost.
4. This is non-statutory work and can result in a financial burden on the Building Control budget. It is proposed that charges are introduced that reflect these costs

(a) It is proposed that these charges are introduced as soon as practicable to prevent further erosion of the service.

Background

5. Building Control bodies are required to charge fees for Building Regulation submissions under "The Building (Local Authority Charges) Regulations 1998". These charges are required to be set at a level that reflects the cost of providing the service and maintains a level of service that achieves Nationally agreed performance standards.
6. Local Authority Building Control is often requested for information, letters of comfort and additional inspections and or services such as private searches that are not covered by the above fee scheme as they fall outside the Charges Regulations.
7. This represents a cost to the Local Authority that is to be funded from either the Building Control Income or Council Tax payers.
8. The Charges Regulations prohibit the charging of additional fees over and above the fees required by the charges scheme for work for which a building regulation submission has been made and inspected.

Considerations

9. Currently the Building Control service is providing services outside the specific requirements of the Building Control function. These are services where we provide information and explanatory letters concerning works that have been carried out historically and due to time that has elapsed we are unable to issue completion certificates or no certificates were issued at the time.
10. The Building Control function is under pressure due to the changes that have taken place in the housing market. The introduction of Housing Information Packs and the introduction of Energy Performance Certificates for dwellings and other residential accommodation will increase requests for this information resulting in additional work.
11. The Building Control function is required to be non-profit making across the chargeable function and this additional work affects this as we are attempting to provide a service that is competitive with private building control and any cost increase reduces this ability.
12. Where the service makes a loss or service levels reduce do to resource problems or increases in legislation it may be necessary to increase the fees charged to enable the service to break even. This should not occur just to fund these additional calls on our service.
13. It is important that funding of the non-chargeable aspects of the Building Control service as a statutory function are set at a level that adequately reflects the costs as this can have a detrimental effect on the quality of the service provided equally the provision of these additional services should not be funded by the council tax payer
14. Not to provide these services does not accord with the Council's Corporate objectives and does not provide a quality service to the customer. However not to charge for these services will have the same effect on those customers who do not require or use these services.
15. Any proposed charges would need to be published and made clear to anyone requiring these additional services.

Options

16. To Charge for additional services currently provided free of charge that are not specific to the Building Control function
 - (a) This will enable the Building Control service to maintain current levels of staff and adapt to the revised legislation and varying workload.
 - (b) It will provide additional resources to assist in the development and improved efficiencies of the service to meet the current requirements.
 - (c) It will also provide funding for areas of work that are currently a drain on resources.
 - (d) This will also ensure that the Building Control service can afford to carry out this work in an efficient way that provides our customers with a more rounded service that accords with the corporate priorities.
17. Not to charge for the additional services –
 - (a) The effect of not charging may result in a reduction in service
 - (b) An inability for Building Control to meet recognised national standards
 - (c) Place an unnecessary burden on Building Control resources.

18. It will become increasingly difficult to provide a consistent service for this type of work, as the Statutory Building Control function will take precedent over this service resulting in customer dissatisfaction.

Implications

19. Financial	The introduction of these charges will provide additional income for the Building Control service reducing the costs of the service to the Council. The revenue produced will be dependant on the number of people using these services once we start to charge this should result in an income of at least £5000 per annum
Legal	The authority to charge fees for Building Regulations is given under Building (Local Authority Charges) Regulations 1998. These proposed charges fall outside this authority and are for services complimentary to the Building Control Building Regulation and are designed to cover the administrative cost and not as a profit making enterprise. There is a requirement for these charges to be published and clear to our customers at the outset
Staffing	It is likely that without additional income to resource this additional work it will have implications on the current staffing level, which is already at a critical level.
Risk Management	Under funding of any aspect of the service will increase the likelihood of failures within the service provision.
Equal Opportunities	None

Consultations

20. Discussions with adjoining Local Authorities indicate that the majority of services charge for letters, private searches and other documentation required by customers to assist in their house sales.

Effect on Annual Priorities and Corporate Objectives

21.	Work in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future
	Nothing specific
	Deliver high quality services that represent best value and are accessible to all our community
	Will improve the service provided and ensure adequate funding for additional services
	Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work
	More sustainable service

Conclusions

22. It is in the interest of the Council to ensure that our services represent good value for money and the services provided do not place an undue burden on Council Tax payers and any decision to charge additional fees for work not part of our legal obligations needs to be judged against the cost implication and the possible savings that could be made.

Recommendations

23. It is recommended that a scale of fees be introduced to adequately reflect the cost to the Building Control service of these additional works and to enable this service to be suitably funded.

Background Papers: the following background papers were used in the preparation of this report:

- Proposed scheme of fees
- Adjoining authority fee schemes

Contact Officer: Andrew Beyer- Acting Building Control Manager
Telephone: (01954) 713204

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Portfolio Holder for Growth and Sustainable Communities / Planning Services Portfolio Holder
AUTHOR: Executive Director / Corporate Manager (Planning and Sustainable Communities)

14th May 2008

Planning and Sustainable Communities: End of year Performance Report

Purpose

- To update the PFH on performance against the service plan

Performance in Respect of our Current Service Plan:

- Development Control**

- The Team Leaders and senior posts have all been appointed. The recruitment process is now going forward to short list candidates to fill the 4 vacant posts in Development Control (i.e. all the senior posts have been filled internally). Once the teams have settled in we will be able to introduce the Duty Officer system (N.B. a duty officer system has already been introduced to help with registration following the introduction of 1 App).
- The DC section needs to continue to meet the BVI targets set by Government for determining planning applications within specified target dates. In the recent past, failure to meet the targets has carried with it the risk of being identified as a standards authority and smaller amounts of Planning Delivery Grant. For the coming year, it is possible that the Council could be “fined” for not meeting its targets.
- At the end of the financial year, the current situation in relation to selected Development Control BVI targets is as follows:

Type of application	Target set by Gov. for 07 - 08	Actual 07-08	Comparative 06-07
Major BV 109a	60% in 13 weeks	78%	84%
Minor BV 109b	65% in 8 weeks	73%	70%
Others BV 109c	80% in 8 weeks	88%	84%
% appeals allowed BV 204	36%	37%	33%
	Internal Target	Actual performance to 03/03/08	06/07
% planning applicants satisfied BV111	To be set	74%	57%

% Delegated to officers	90%	94%	91%
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5. Given that these have been achieved in advance of the change and without one of the four principal officers for the whole period this is an encouraging performance that reflects well on the staff concerned.
6. The improvements in respect of minors and others and decline in the majors reflects a slight change in emphasis in terms of priorities to ensure that we were more comfortably ahead of the targets across the board and to maximise our Planning Delivery Grant payment. However the reward targets seem almost certain to change for the current year with the emphasis on progress on the Local Delivery Framework and housing completions relative to historic rates.
7. The percentage delegated has increased in accordance with what Government perceives as best practice. In particular, the new Planning Committee has been significant in achieving this, and many of the new practices have been welcomed (in particular the right to speak). This has not however, come without some concerns being raised by Parishes about the changes to the Chairman's delegation protocol, that were essential if the Planning Committee was to work better. As a first step, Parishes' are now being sent copies of the relevant reports and these should satisfy them that all the issues they have raised have been taken into account. Further our new initiative of a parish Panel, due to start in June, will provide a forum for common concerns to be aired and resolved.
8. In meeting the targets, less time is spent on other parts of the service, the most obvious of which is the response time to informal enquiries. Figures reported for the last three quarters show performance below the corporate customer service standards requiring a response within 10 working days. However, there has been a distinct improvement and this may reflect the additional time that officers have now that the benefits of the registration team are being experienced i.e. unless there are staff shortages, a working file is now available to officers within 3 working days instead of up to 3 weeks. Another factor is the work to reduce the size of the Planning Committee agendas and the Committee processes, and this has freed up additional officer time that can be committed to service delivery.
9. There are differences within the teams and addressing these to spread good practice will be one of the priorities for the new team leaders. The figures for the final quarter for the year will be available for the next PFH meeting. The relative performance over the last three quarters is as shown below:

% Informals replied to within 10 workings days	Area 1	Area 2	Area 3	Area 4	Overall
1 st Quarter	36	84	84	45	57
2 nd Quarter	60	87	88	61	74
3 rd Quarter	66	70	96	76	76
4 th Quarter	tbc	tbc	tbc	tbc	tbc

10. In addition, the customer satisfaction rate declined at the last tri-annual survey. To help improve satisfaction an agents' user panel has been set up, and the first three meetings with positive feedback. The next meeting will feature details of the new charging regime

11. Every three years, planning authorities are required to survey customer satisfaction and the result last year was that 57% were satisfied with service they received. In order to be able to have an idea of the impact of our improvements we are now sampling customer satisfaction, and in the latest quarter, we have increased the % surveyed. The results of the last two quarters of 2007-08 have been analysed and, and the current running total (with a month remaining) has further improved from 63% for the first quarter to 75% for the half year. Clearly there is a lot more to be done but the improvement is encouraging and it's to be hoped that the changes in hand will lead to further improvements.
12. With regard to the Major Growth, the review of lessons to be learnt is underway and is now being supported by the Task and Finish Group set up by Scrutiny to look at the lessons learnt from the Arbury development. The first draft report has been published and work continues apace with a walk around of the Arbury by the Members and a visit scheduled to meet with officers at Huntingdonshire D.C. to be briefed on a development that has been cited as an example of best practice by the developers at the Arbury.
13. The new joint Committees are in place, and the first approval resolved to be granted at Trumpington, and the terms of the 106 requirements agreed. The Northstowe application has been submitted, and following the extensive public consultation exercise, the first critic of the proposal sent to the applicants.

- **Conservation**

14. The main area of slippage reflects staffing issues especially in the area of conservation, and this was shown in the review document considered at the last PFH meeting. The staffing situation had substantially been addressed, with the appointment of the new Head of the Design & Conservation section (Glen Richardson), and he was due to start in mid February. However, the difficulties of recruiting and bringing into the area new urban designers, has prompted a rethink as to how urban design can be provided across the sub-region and from this review, a joint urban design team is to be set up with the City and County. Glen has now been appointed to the new post, and adverts are in the process of being placed to fill the vacant urban design posts.
15. By the time of the PFH meeting interviews will have taken place to fill the vacant post of Design and Conservation team leader and the soon to be vacant, Conservation Architect.
16. it is hoped that I will have some positive news to report when we meet.

- **Policy**

17. Most of the work program has been completed on time, and where not, this has primarily stemmed from external factors such as the requirements of the plan inspectors. The section continues to be on top of the challenging agenda set by Government in respect of plan preparation. The biggest new challenge is to consider how the housing shortfall can be best met, taking forward the Gypsy and Travellers Development Plan document, and our response to the possibility on an Eco-town at Hanley Grange

- **Building Control**

18. Most of the targets have been met, as have the actions. However, the staff resource is relatively light and so there is very little slack to deal with unplanned occurrences. Next years' aim will be to grow the business, especially in the area of the major developments which have traditionally been cherry picked by the approved inspectors
19. In addition to involvement with the Agents Panel, a separate user group has been set up with the relevant agents. An accompanying report maps out a possible incoming generating proposal.

- **Affordable Housing**

20. The effects of the new plan led system are now coming into force and the % agreed at Trumpington at 40%, is in accordance with our requirements.

Summary

21. All the direction of travel trends are positive, but there is still a considerable amount of work to be done to meet our commitments the Government's agenda and SCDC's aimed at improving service performance and public satisfaction with development control. A key factor will be retaining and recruiting staff with the necessary skills.

Contact Officer: Gareth Jones– Corporate Manager Planning & Sustainable Communities
Telephone: (01954) 713151

**Growth and Sustainable Communities Portfolio Forward Plan
May to August 2008 - Growth and Sustainable Communities**

Contact:**14 May 2008 Portfolio Holder Meeting**

- Planning and Sustainable Communities: End of Year Performance Indicators Report (April 2007 - March 2008) (Non-Key) – *Information item* Ian Salter
- Planning and Sustainable Communities: End of Year Service Improvement Report (April 2007 - March 2008) (Non-Key) – *Information item* Ian Salter
- Planning and Sustainable Communities: End of Year Financial Monitoring Report (April 2007 - March 2008) (Non-Key) – *Information item* Gareth Jones
- Public Art SPD (Key) – Keith Miles, Andy O'Hanlon

Unscheduled Items

- Making up any Housing Shortfall Identified by the Inspectors examining the Site Specific Policies DPD from 'Objection Sites' (Non-Key) – Keith Miles

Deferred Items

- Energy Efficiency and Listed Buildings Supplementary Planning Document (Key) – *Portfolio Holder / Cabinet decision*
- South Cambridgeshire Design Manual / Guide: Streetscape Design in New Developments (Key) – *Portfolio Holder decision* David Grech
David Grech

Portfolio Holder: Councillor Dr David Bard
Scrutiny and Overview Committee Monitors: Councillors [Names]

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**Planning Services Portfolio Forward Plan
May to August 2008 Planning Services**

Contact:

14 May 2008 Portfolio Holder Meeting

- Tree Warden Scheme (Non-Key) – *Portfolio Holder decision* Rosalind Richardson
- Planning and Sustainable Communities: End of Year
Performance Indicators Report (April 2007 - March 2008)
(Non-Key) – *Information item* Ian Salter
- Planning and Sustainable Communities: End of Year Service
Improvement Report (April 2007 - March 2008) (Non-Key) –
Information item Ian Salter
- Planning and Sustainable Communities: End of Year
Financial Monitoring Report (April 2007 - March 2008) (Non-
Key) – *Information item* Gareth Jones

Unscheduled Items

- COTTENHAM Conservation Area Appraisal (Non-Key) – David Grech
Portfolio Holder decision
- LINTON Conservation Area Appraisal (Non-Key) – *Portfolio* David Grech
Holder decision
- MELBOURN Conservation Area Appraisal (Non-Key) – David Grech
Portfolio Holder decision
- STAPLEFORD Conservation Area Appraisal (Non-Key) – David Grech
Portfolio Holder decision
- WATERBEACH Conservation Area Appraisal (Non-Key) – David Grech
Portfolio Holder decision

Deferred Items

- DUXFORD Airfield Revised Conservation Area Appraisal David Grech
(Non-Key) – *Portfolio Holder decision*
- Provision for Open Spaces Supplementary Planning Jane Thompson, Jonathan
Document (SPD) (Key) – *Cabinet decision* Dixon

Portfolio Holder: Councillor Nick Wright
Scrutiny and Overview Committee Monitors: Councillors [Names]

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