

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Leader and Cabinet 15 January 2009
AUTHOR/S: Executive Director / Corporate Manager for Planning & sustainable Communities

LOCAL DEVELOPMENT FRAMEWORK - ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS

Purpose

1. The purpose of this report is to inform the Cabinet on the results of a public consultation exercise carried out on four Supplementary Planning Documents (SPD) and to seek approval for these documents to be formally adopted. Once adopted, the SPDs will form part of the Local Development Framework and be used to help determine planning applications.
2. The four SPDs that were consulted on were as follows:
 - Development Affecting Conservation Areas
 - Open Space in New Development
 - Public Art
 - Trees & Development Sites
3. This is a key decision because it raises new issues of policy, or is made in the course of developing proposals to amend the policy framework, or is a decision taken under powers delegated by the Council to amend an aspect of the policy framework. The agreement to carry out the public consultation was taken at the joint meeting of the Portfolio Holders for Planning and for Growth and Sustainable Communities on 14 May 2008. It was also published in the Council's Forward Plan.

Executive Summary

4. This report outlines the representations received on the four SPDs that were subject to a period of public participation during June and July 2008. As a result of these representations amendments have been made to the draft SPDs. The next step is to adopt the SPDs when they will form part of the Local Development Framework.

Background

5. The Council has adopted a number of Development Plan Documents (DPD) that form part of the Local Development Framework. The purpose of Supplementary Planning Documents (SPD) is to expand on policies set out in DPDs and to provide additional detail. The four SPDs that have been consulted on 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.
6. Similar to the DPDs, Draft Final 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. The Sustainability Appraisals for each SPD were consulted on alongside the draft SPDs.

7. The six-week public consultation took place between 6 June and 18 July 2008.

The results of the Public Consultation

8. During the consultation 193 representations were received relating to the four SPDs, as follows:

SPD	Support	Object	Total
Development Affecting Conservation Areas	7	25	32
Open Space In New Developments	9	59	68
Public Art	11	43	54
Trees & Development Sites	5	34	39

No representations were received on the Sustainability Appraisals.

9. The Regional Planning Panel Standing Committee considered a report on the SPDs at a meeting 27 June and endorsed the recommendation that:

‘The four draft Supplementary Planning Documents prepared by South Cambridgeshire District Council are in general conformity with the RSS’

10. A brief outline of the contents of each of the four SPDs is provided below together with a summary of the main issues raised during the consultation period.

Development Affecting Conservation Areas SPD

11. 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) 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.

12. The main issues raised include:

- The legislative background is due to change when the Heritage Protection Bill is enacted and it is suggested this should be recognised within the SPD.
- Concern that the SPD is too focused on what is happening within Conservation Areas and does not address the setting of Conservation Areas adequately.
- Comment that there is no reference under what circumstances the Council would consider the use of an Article 4 Direction nor when it would consider withdrawing permitted development rights.
- Concern that the SPD is too restrictive over the use of recycled materials and it is suggested the SPD be amended so as to provide maximum flexibility in the use of recycled materials in all situations.

Open Space in New Development SPD

13. This SPD provides further detail on the Council's quantitative, qualitative and accessibility standards for children's playspace, outdoor sport, and informal open space for new developments. It also provides clear guidance on how to calculate the requirements of individual developments, and the process that applicants and officers will need to go through during the planning application process. This has the benefit

of making it a transparent and open process, where many costs and requirements are known upfront.

14. The main issues raised include:

- Concern that there are parts of the SPD which appear to be seeking to create new policy rather than providing greater detail on the policies in adopted DPDs.
- Concern that the full hierarchy of green infrastructure has not been considered in the Draft SPD, with Strategic Open Space not included.
- Suggestion that greater clarity about the application of this Open Space SPD to Area Action Plans should be provided.
- Concern over the insistence on 50% of equipped play space and there being no justification in national policy guidelines.
- Concern that non-residential developments are required to contribute towards outdoor playing space, as there is no such reference in Policy SF/10.
- Concern over the use of Cambourne as the model for occupancy rates and sports participation rates, as Cambourne is considered unrepresentative of overall patterns of supply and demand throughout the District.
- Concern over the period of maintenance contributions, calculations used, and consistency with Circular 05/2005.
- Various concerns over the areas included in list of areas and facilities that do not contribute towards open space standards.

Public Art SPD

15. This document includes a policy encouraging the provision or commissioning of Public Art in new developments within South Cambridgeshire. 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.

16. 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.

17. 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.

18. The main issues raised include:

- Concern that the definition of Public Art and criteria of what does / does not constitute Public Art is too narrow and restrains creativity. The criteria excludes architectural detail which is of concern.
- Questioned the need for a professional artist to be involved – could have non-professional or other members of the design team with artistic skills to create Public Art.
- Concern was expressed that developers were to be expected to allocate between 1% and 5% of the construction costs of a capital project to Public Art.

- Concern that Public Art in new developments should be based on themes. This is seen as too prescriptive.
- The Public Art Support Group was welcomed and requests for it to have a wide membership and its terms of reference be consulted on.
- Clarification needed of some aspects of the Development Flow Chart.

Trees & Development Sites SPD

19. This document is intended to provide guidance to applicants and agents preparing development proposals that may impact on trees, both protected trees (i.e. 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 2005 (Trees in Relation to Construction Recommendations). In addition it also provides guidance to owners of protected trees on the application process and criteria used to assess those applications.
20. The main issues raised include:
 - Suggestion that the SPD should recognise that there are different types of planning applications that require different levels of detail.
 - Concern that there is no specific mention of older trees, which are particularly valuable and should be conserved and their loss avoided.
 - The Forestry Commission note that while the SPD appears to be accurate and consistent with the Planning Authority's responsibilities, they are concerned there are important omissions with regard to their statutory responsibilities.
 - Suggestion that there should be reference to the repercussions if trees are wilfully damaged or destroyed.
 - Concern that the section on New Planting does not make reference to including trees of different sizes, those that are best suited to different sites, as many new developments only plant small ornamental trees.
21. Detailed schedules of all representations received on each SPD are provided in Appendices 2 to 5. The schedules provide a summary of each representation received in plan order together with any suggested change to the text of the SPD, the Council's assessment of them and, where appropriate, proposes amendments to the text of the draft SPD.
22. There were no representations received on the Sustainability Appraisals. The amendments proposed to the text of the SPDs are relatively minor, providing further detail or clarification rather than altering the policy approach. As a result there is considered to be no impact on the Sustainability Appraisals. Therefore no amendments need to be made and they can be published in their final form alongside the adopted SPDs.

Adoption Process

23. The SPDs have been prepared in compliance with the legislative and regulatory requirements for the preparation of SPDs and are now ready for adoption. Members are recommended to adopt the SPDs as amended (as contained in Appendices 6 - 9). Once adopted, the SPDs will become part of the Local Development Framework.
24. The Council must also publish Final Sustainability Appraisal Reports, to have carried out a Habitats Regulations Assessment (HRA).

- 25. In addition to the public consultation on the SPDs and related documents the Council has consulted with Natural England on Habitat Regulations Assessments (HRA) that have been carried out on each SPD. An HRA is an assessment of the potential effects of a proposed plan or project, which is not necessary for the management of the site and which is likely to have a significant effect, on one or more Natura 2000 or Ramsar sites, in view of the site’s conservation objectives. Natura 2000 sites are sites internationally designated for nature conservation and were established under a European Council Directive. There are 4 stages to the Habitats Directive Assessment process: Screening; Appropriate Assessment; assessment of alternative solutions; and compensatory measures. Natural England has responded by stating that a full Appropriate Assessment is not required.
- 26. As with the DPD plan making process, the new system allows for any person aggrieved by the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD. Any such application for leave must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted.

Implications

- 27. By adopting the four SPDs there will be increased clarity in the implementation of the related DPD policies and this will assist officers when giving advice to developers and applicants since the development process will be more understandable.

28.

Financial	Within existing budget.
Legal	The SPDs will assist by providing information on the legal requirements of the different aspects covered by the SPDs, in particular providing templates for a draft Section 106 agreement.
Staffing	The SPDs will assist officers by providing developers and applicants with greater detail as to what is expected in submitting planning applications so making it quicker to process applications.
Risk Management	None.
Equal Opportunities	None.

Consultations

- 29. The draft SPDs have been prepared in consultation with the relevant specialist officers within the Council prior to being agreed for consultation. As part of the public consultation letters were sent to a range of relevant organisations and also included a CD-Rom, containing all four draft SPDs and their related documents.

Effect on Corporate Objectives and Service Priorities

30.

Work in partnership to manage growth to benefit everyone in South Cambridgeshire now and in the future
The SPDs will provide clear guidelines as to what the Council will expect on the different matters covered by them. This will give developers and applicants a better understanding of what is expected in submitting planning applications and should result in improved quality of applications which can be processed quicker.

Deliver high quality services that represent best value and are accessible to all our community
The SPDs will provide planning guidance to enhance the built and natural environment in South Cambridgeshire.
Enhance quality of life and build a sustainable South Cambridgeshire where everyone is proud to live and work
The four SPDs provide guidance that should improve the quality of new development and will improve the quality of life of residents living in South Cambridgeshire.

Conclusions / Summary

31. This report outlines the representations received on the four SPDs that were subject to a period of public participation during June and July 2008. As a result of these representations amendments have been made to the draft SPDs. The next step is to adopt the SPDs when they will form part of the Local Development Framework.

Recommendations

32. Cabinet is invited to agree:
- a) the adoption of the SPDs relating to Development Affecting Conservation Areas, Open Spaces in New Development, Public Art, and Trees & Development Sites, as contained in Appendices 6 – 9 and proceed in accordance with Regulations 18 and 19 (for ease of reference, **Appendix 1** lists the changes made to the draft SPDs following the consultation process);
 - b) that no changes to be made to the Sustainability Appraisals for each SPD and these can be published in their final form alongside the SPDs.

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

Development Affecting Conservation Areas Supplementary Planning Document
(Consultation Draft June 2008)

Open Space In New Developments Supplementary Planning Document (Consultation Draft June 2008)

Public Art Supplementary Planning Document (Consultation Draft June 2008)

Trees & Development Sites Supplementary Planning Document (Consultation Draft June 2008)

Development Affecting Conservation Areas Supplementary Planning Document Draft Final Environmental / Sustainability Report (June 2008)

Open Space In New Developments Supplementary Planning Document Draft Final Environmental / Sustainability Report (June 2008)

Public Art Supplementary Planning Document Draft Final Environmental / Sustainability Report (June 2008)

Trees & Development Sites Supplementary Planning Document Draft Final Environmental / Sustainability Report (June 2008)

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