

AGENDA ITEM NO. 30

PLANNING COMMITTEE

Date **18 SEPTEMBER 2013**

Title **FACILITATING GROWTH IN FENLAND (WORKING TOGETHER ON MAJOR PLANNING APPLICATIONS) GUIDANCE**

1. PURPOSE/SUMMARY

The purpose of this report is to seek Planning Committee's comments on the Facilitating Growth in Fenland (Working Together on Major Planning Applications) Guidance ahead of it being presented to Cabinet in October 2013.

2. KEY ISSUES

The Facilitating Growth in Fenland, 'Working Together on Major Planning Applications' Guidance has been prepared in light of Fenland District Council's desire to attract sustainable development to the district which delivers economic, environmental and social benefits. It has also been prepared in response to the challenges faced by the Council, by planning case officers and by developers and landowners when preparing, processing and determining planning applications for major development, including comprehensive development schemes (CDS's) for major urban extensions as identified in the emerging Core Strategy.

The purpose of the Guidance is to enable the effective and efficient processing of large, and potentially complex, planning proposals in Fenland.

It is the intention that the Guidance will be a standard, yet flexible, guide that will assist all parties through the planning process, specifically by making each party aware of their responsibilities at each stage.

3. RECOMMENDATION(S)

That Planning Committee offer comments on the Guidance attached so that such comments can be incorporated as appropriate in the version presented to Cabinet for approval.

Wards Affected	All
Forward Plan Reference No. (if applicable)	N/A

Portfolio Holder(s)	Cllr Alan Melton – Leader Cllr Chris Seaton – Deputy Leader and Economy Cllr Peter Murphy – Environment and Growth
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Background Paper(s)	None

1. INTRODUCTION

Origin and Purpose of the Guidance

- 1.1 The Facilitating Growth in Fenland, 'Working Together on Major Planning Applications' Guidance has been prepared in light of the Council's desire to attract sustainable development to the district which delivers economic, environmental and social benefits, and in response to the challenges faced by all parties (the Council, planning case officers, developers and landowners) when preparing, processing and determining planning applications for major development.
- 1.2 The purpose of the Guidance is to enable the effective and efficient processing of large, and potentially complex, planning proposals in Fenland. Furthermore, the Guidance demonstrates the Council's commitment to ensuring consistency and transparency in the planning system, specifically in relation to major planning applications.
- 1.3 It is the intention that the Guidance will be a standard, yet flexible, guide that will assist all parties through the planning process, specifically by making each party aware of their responsibilities at each stage.

How the Guidance will be used

- 1.4 If approved, the Council will commit to adhering to the Guidance, and the various steps outlined within it, during the handling of all qualifying major planning applications, as far as reasonably possible.
- 1.5 It is the intention that developers and landowners will be encouraged to utilise the Guidance, and thereby commit to working with the Council in line with the principles and steps outlined in the Guidance.
- 1.6 If all parties commit to follow the Guidance, all parties will be aware of their obligations from the offset and the likelihood of unexpected and unnecessary delays will thereby be reduced, which is highly beneficial to all involved.

Publication and Circulation of the Guidance

- 1.7 Electronic and hard copies of the Guidance will be circulated to the registered members of the Developer's Forum for their comment. The Developer's Forum will be able to provide feedback on the Guidance at the forthcoming Developer's Forum meeting (expected to be 25 September 2013).
- 1.8 Following receipt of both the Planning Committee's feedback and the feedback of the Developer's Forum, the Guidance will be revised as appropriate ahead of Cabinet.

2 EFFECT ON CORPORATE OBJECTIVES AND COMMUNITY IMPACT

- 2.1 The Guidance will indirectly impact on both the corporate objectives of the Council and upon local communities.
- 2.2 By aiming to facilitate a transparent and efficient planning system for major planning applications, the Guidance will assist in the delivery of residential and non-residential development that is not only sustainable, but reflects social, economic and environmental priorities in line with the emerging Core Strategy. The Guidance will therefore support the

corporate objectives of improving social, economic and environmental contributors to quality of life.

- 2.3 It is anticipated that the commitment to transparency, consistency and efficiency provided by this Guidance will help attract developers to the district. The development of residential and non-residential schemes will have a positive impact upon local communities as it will provide homes, facilities and employment opportunities.

3 CONCLUSIONS

- 3.1 Planning Committee is asked to provide comments on the Facilitating Growth in Fenland (Working Together on Major Planning Applications) Guidance prior to the Guidance being taken to Cabinet in October.

This guide has been produced by Fenland District Council to help facilitate an efficient and effective planning system for major development proposals.

Major growth proposals are welcome in Fenland; but to achieve high quality, sustainable growth, it is essential that all parties work corroboratively.

This guide sets out the way we want to engage with developers to manage major planning proposals in Fenland in order to provide a high degree of clarity and ensure consistency and efficiency in the planning process.

Please contact Planning Services at planning@fenland.gov.uk if you have any queries.

Facilitating Growth in Fenland



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Adopted October 2013

 Fenland
CAMBRIDGESHIRE
Fenland District Council

Working together
on major planning
applications

Introduction

This guidance note provides advice and direction for developers, landowners, planning officers, councillors and the public to help facilitate the effective and efficient processing of large, and potentially complex, planning proposals in Fenland.

Fenland District Council believes all parties involved in major planning applications need to recognise and acknowledge the others' responsibilities. This guide carries the principle of all parties working together in good faith and mutual trust to achieve sustainable and viable development which is in the interest of achieving growth and prosperity in Fenland as a whole.

Through transparency and consistency, the Council wants to ensure that valued investors can navigate the planning process on a cost effective and minimal risk basis, whilst achieving high quality sustainable development and exemplar outcomes which benefit communities and the economy.

This guidance note is a standard, flexible guide which sets out the main principles that can be applied to any major planning proposal. It is the intention that this guide can be easily adapted to take into account site specific social, economic and physical constraints and opportunities.

It is intended that this guide will aid the delivery of strategic developments of over 250 dwellings or over 1,000sq m of commercial floor space (including retail), in line with the policies and site allocations of the emerging Core Strategy.

Cambridgeshire County Council will have an important role to play in the design and delivery of major strategic development, particularly in respect of education, transport, health and wider social infrastructure. Therefore, the County Council will be invited to attend meetings and to comment on issues as necessary throughout the various steps of the planning process which are outlined herein. Dependent on the specifics of each proposal, the County Council's input may include: partaking in initial discussions; involvement in preliminary Section 106 discussions; input on the status of the Comprehensive Delivery Scheme (CDS); promoting the scheme through the Cambridgeshire Quality Panel; and contributing to the finalisation of the Section 106 agreements and discharge of relevant conditions.

Following the advice provided in this guide will make the achievement of a timely outcome more likely. This guide provides a clear and effective working structure, setting out the roles and responsibilities of each party in advance in order to ensure that they are fully aware of what is expected at each stage.

Utilising the guidance is likely to enable any risks and uncertainties to be highlighted at an early stage, which can help avoid unexpected delays.

The overall aims of this guide are:

- To provide transparency and clarity for all parties;
- To facilitate the delivery of a quality and timely decision.

Strategy makes it clear that failure to undertake this Step will result in the refusal of an application.

The CDS approach is essential to planning the district in a coordinated way. It will ensure that development can be delivered in a timely manner and that it will provide the necessary social, green and physical infrastructure. Landowners and developers will be expected to work together to bring forward areas for development in a way that embraces sound planning principles, provides benefits to new and existing residents and allows the delivery of sites in a logical and coordinated manner.

The CDS approach will result in: higher quality comprehensive development; appropriate phasing agreements; transparency with regard to section 106 or community infrastructure levy (CIL) contributions (if CIL is taken forward by the Council); and more timely decision making.

The approach will ensure that planning applications, once formally submitted, can be determined within prescribed time limits: the main consultation process (including dialogue with the local community, council members and statutory consultees) can effectively be undertaken at the CDS stage.

Step 3.1 Following the conclusion of the pre application stage, the Council will play a positive role to ensure that the CDS approach functions properly and to the benefit of all parties. It will positively engage with developers, agents and landowners to explain the CDS process. In effect, the CDS stage will be a smooth transition from the pre application stage, taking advantage of the processes and project groups already set up.

Step 3.2 The Developer should prepare a CDS, with support from the Application Working Group and other working teams. A CDS must meet the requirements as set out in Policy CS7 of the Core Strategy.

Step 3.3 The Developer should confirm what status they would like the CDS to have: either supplementary planning document (SPD) status or an 'in principle' planning committee approval (in accordance with the options set out in Policy CS7).

Step 3.4 If the SPD route is undertaken the Council will arrange for a draft of the SPD to be consulted upon in accordance with the Local Planning Regulations 2012.

Step 3.5 When both parties are ready, a formal decision on the CDS will be taken by the Council.

Step Four: Planning Application

Step 4.1 The Developer to submit a high quality, comprehensive and valid planning application.

Step 4.2 The Developer must submit a Community Involvement Statement, detailing who was consulted and

how the results of community involvement have influenced the submitted application.

Step 4.3 Validation of application: if any information is missing from the application the Council must contact the Developer as soon as possible and the Developer must provide this information quickly to ensure that the application can be validated.

Step 4.4 Once the application has been deemed valid and registered by the Council, a formal period of public consultation will take place for 21 days. The case officer will review all comments received and discuss any issues with the Developer. At this stage the case officer will write a summary of all comments and an initial response.

Step 4.5 Once a valid application has been registered the Planning Application Working Group should meet as soon as possible to go through the application.

Step 4.6 The case officer will carry out another site visit with particular attention being paid to any issues previously identified.

Step 4.7 If, for example, the proposal is changed to take account of any comments received or to address any problems identified, it may be necessary to carry out further consultation.

Step Five: Committee Meeting

Major applications will be taken to planning committee.

Step 5.1 A committee report will be prepared by the case officer ahead of the committee meeting: it will summarise the relevant issues, including comments from public consultation, and will include the planning case officer's recommendation.

Step 5.2 The application will be considered by planning committee in accordance with the constitution. If the application is refused, the reasons for refusal will be set out. The Developer has to right to appeal.

Step Six: After Committee Resolution

Step 6.1 If members resolve to approve the application, S106 negotiations will need to be finalised before a decision notice can be issued.

Step 6.2 Decision notice issued.

Step 6.3 The Council will monitor conditions and planning obligations. The Developer is required to work with the Council to manage the discharge of conditions and provide any necessary information.



This section of the guide expands on the flow chart summary and sets out the different stages involved in processing a major proposal in more detail.

Step One: Initial Approach

Step 1.1 The proponents of a major scheme should approach the planning team's development management team to arrange an initial meeting to discuss the overall concept and general principles.

Step 1.2 Before the meeting takes place, the Developer must provide a map showing the proposed location; broad mix of proposed land uses; estimated number of dwellings and/or floor space.

Step 1.3 At the initial meeting, the Developer should explain the proposal and the overall concept of the scheme. The Council will advise whether the proposal broadly complies with planning legislation and therefore whether the proposal, in principle, is likely to be supported by the Council. At this stage the Council will not look at or discuss any details.

Step 1.4 The Council will confirm this initial view in writing and will help identify any major constraints or issues which will need to be investigated further.

Step 1.5 The Developer will take into account the key policies and issues raised by the Council at the outset and be responsive to planning officer advice.

Step 1.6 The need for a Planning Performance Agreement (PPA) will be discussed by both parties and encouraged by the Council. A PPA will officially formalise and apply the principles set out in this guide, and will include a timetable which sets out key dates and milestones.

Step 1.7 The Council will set up an Application Working Group and will brief senior managers and councillors. Both the Council and Developer should identify a principle point of contact. This will usually be the case officer for the Council and the project manager for the Developer.

Step 1.8 The Developer should apply to the Council for a screening option on whether an Environmental Impact Assessment (EIA) is required or not. The Council will reply in writing within three weeks. If an EIA is required the Council will also identify any particular issues to be included.

Step Two: Pre Application Stage

The pre application stage comprises informal discussions between the Council and Developer before an application is formally submitted. The intention is to address any issues and constraints in advance of the Comprehensive Delivery Scheme (CDS) stage and a formal planning application. Section 106 discussions and negotiations may be instigated at this early stage. The Council considers that the pre application stage is a very useful way to resolve issues and to achieve a quality scheme.

Step 2.1 Developer to formally submit pre application to the Council.

Step 2.2 The Council will formally register the pre application submission as soon as possible.

Step 2.3 The Council will ensure that it has suitable staff resources available for the pre application, and for the subsequent CDS and planning application.

Step 2.4 The case officer will carry out a site visit to gain an understanding of the site, its characteristics and surrounding area. This will help them establish the main issues and priorities.

Step 2.5 During the early stages of the pre application discussion the Council and the Developer should have established the main issues which will need to be addressed. Based on this the Council may need to set up a series of topic groups to discuss specific issues (e.g. transport; education; historic environment; natural environment; flood risk; health; urban design; utilities and infrastructure).

Step 2.6 Developers to undertake pre application community involvement.

Step 2.7 The Council agree an approach to Member involvement.

Step 2.8 Throughout the pre application process there will be a need for regular progress review meetings between the Council and the Developer. The meetings are to establish any outstanding issues and assess progress to date in relation to the timetable. The meetings also provide an opportunity for preliminary section 106 discussions.

Step 2.9 As necessary, the case officer will produce briefing sheets for the Developer.

Step 2.10 The Council will establish how the proposal will be considered at a corporate level.

Step 2.11 Once the Council is satisfied that the majority of issues have been resolved, it will send a final letter and position statement to the Developer which will set out the Council's views and the information which will be required for CDS stage (if applicable).

Step Three: Comprehensive Delivery Scheme Stage

Policy CS7 of the Fenland Core Strategy makes it explicit that all urban extensions must be planned and implemented in a co-ordinated way, through a CDS approach that is linked to the delivery of key infrastructure.

For relatively small single landowner urban extensions the CDS stage may be deemed unnecessary at pre application stage. For all other developments, Step 3 must be undertaken prior to the submission of a planning application. The Core

Who does this guidance apply to?

- Developers and landowners proposing schemes of over 250 dwellings or commercial schemes (including retail) of over 1000 sq m floor space.
- Planning officers and councillors assessing and determining such schemes.
- Members of the public: to highlight the stages at which they will have the opportunity to get involved in the planning process.

Is it mandatory for applicants to follow this guidance?

No, applicants are not obliged to adhere to this guidance. However, utilising this guidance is strongly recommended in order to avoid unexpected delays and to enable both the applicant and the Council to foresee the future stages of the application process and the timescales involved. The Council will strive to adhere to this guidance in all instances.

Timescales

Following this guidance will help ensure firstly that the application can be validated swiftly thanks to all necessary information being supplied by the applicant from the offset, and secondly that the Council can determine the application in a time efficient manner.

In accordance with national guidance, we aim to determine major applications within 13 weeks from the date that the application is validated.

Proposals

Following this guidance does not guarantee certainty that a proposal will be granted planning permission. In instances where an unacceptable proposal is received, possibly where the advice of planning officers has not been suitably taken on board or addressed in the proposal, the scope for the applicant to amend the proposal will be wholly dependent on the nature of the changes in relation to the specific proposal and in any event will be limited to minor changes.

Where significant changes are required in order to make a proposal acceptable (which may necessitate further consultation), the applicant will not be able to amend the proposal as this will have severe implications upon the 13 week determination period. The applicant will however have the option to withdraw the application and resubmit a revised proposal.

Monitoring

Annual monitoring of this guidance is essential in order to ensure that it remains effective at enabling all parties to work together to deliver an efficient planning system.

Amendments to this guidance may be necessary due to changes to planning legislation. Furthermore, changes may arise or additional guidance may be added in light of emerging 'best practice'.

Planning Performance Agreement Frameworks (PPA)

A PPA is a project management tool which can be used to formalise the principles of this guide. PPAs are aimed at improving the quality of planning applications and facilitating an efficient decision making process through applicants and the local planning authority committing to pro actively work together. The advantages of using a PPA include: establishing a defined and realistic timetable from the offset; key issues being identified at an early stage; greater transparency and accountability; and improved working relationships.

The Council encourages the use of PPAs where appropriate. The steps outlined on pages 3 and 4 of this guidance and the supporting explanatory notes on pages 5 and 6 highlight that the need for a PPA will be discussed at an early stage (see point 1.6).

Summary of key steps

Time (months)

Developer

Council

Steps 1 -6 are explained in more detail on pages 5 and 6

- 1**
- 1.1 and 1.2 Arrange initial meeting with the planning team. Provide basic information on the development proposal ahead of the meeting.
 - 1.5 Identify and take into account the key policies and strategic issues raised by the Council.
 - 1.7 Notify planning team of main point of contact.
 - 1.8 Establish the need for EIA Screening Report.

- 1** Initial Approach
- 1.3 Planning team to hold initial meeting with the developer as soon as possible and identify any likely issues for their consideration.
 - 1.4 Write to developer with initial views on proposal.
 - 1.6 Discuss possibility of a PPA.
 - 1.7 Review resources available, identify roles, and agree provisional process map.

- 2 - 4**
- 2.1 Formal submission of pre application to Council.
 - 2.6 Undertake pre application community involvement at the earliest opportunity.
 - 2.8 Project manager to attend progress meetings with the case officer. Preliminary S106 negotiations.

- 2** Pre Application
- 2.2 Register pre application submission.
 - 2.3 Ensure sufficient staff resources are in place.
 - 2.4 Site visit/s.
 - 2.5 Arrange specific topic groups as necessary.
 - 2.7 Agree Member involvement.
 - 2.8 Case officer to attend progress meetings with project manager. Preliminary S106 negotiations.
 - 2.9 Briefing sheets prepared as necessary.
 - 2.10 Establish how proposals will be considered at corporate level.
 - 2.11 Issue a position statement/s to developer.

- 6 - 12**
- 3.2 Address all the requirements set out in Policy CS7 of the Core Strategy.
 - 3.3 Confirm desired status of the CDS, as per Policy CS7 of the Core Strategy.

- 3** CDS Stage
- 3.1 Maintain momentum from the pre applications stage. Utilise existing working groups.
 - 3.4 Determine whether CDS should be a formal SPD.
 - 3.5 Formal decision on CDS.

- 4 - 12**
- 4.1 Adhere to submission requirements to enable application to be registered and validated.
 - 4.2 Submit Community Involvement Statement.
 - 4.3 and 4.4 Promptly provide additional information and amendments if necessary.

- 4** Application
- 4.3 Promptly validate application.
 - 4.4 Carry out public consultation. Inform developer of any issues which must be addressed.
 - 4.5 Notify Planning Action Working Group of application.
 - 4.6 Case officer to undertake site visit.
 - 4.7 Further consultation if necessary.

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- 5** Committee Meeting
- 5.1 Prepare committee report.
 - 5.2 Planning committee resolve to approve or refuse application.

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- TBC**
- 6.1 S106 negotiations finalised.
 - 6.3 Work with the Council to manage the discharge of conditions.

- 6** After Committee Resolution
- 6.1 S106 negotiations finalised.
 - 6.2 Decision notice issued.
 - 6.3 Monitoring of conditions and planning obligations.

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