

# DEALING WITH MAJOR PLANNING DEVELOPMENTS: FOUR CASE STUDIES

These case studies have been developed to help Local Planning Authorities to deliver development management best practice in a consistent manner. The case studies all involve major developments. The approaches employed by these authorities and others have informed the best practice advice note on managing major planning applications. These case studies illustrate how active, effective project management of major proposals has reduced potential for conflict or confusion, streamlined the process and promoted a positive collaborative culture. This in turn has helped to secure high quality sustainable developments to be delivered more quickly.

## CASE STUDY 1: AYLESBURY VALE

**Case Study:** Successful frontloading of the development process and bespoke approach to planning conditions

**Local Planning Authority:** Aylesbury Vale District Council

**The development:** A 24 hour dairy facility for Arla to produce 1.3 billion litres of milk annually, providing milk to customers in the south and east of England.

Proposed building; 250mx290m with a height of 13.4m (raising to almost 21m in part). The application site comprised agricultural land. The development represented a departure from the policies in the approved development plan representing a major development in the open countryside.

The development will deliver significant economic benefits – including £150 million capital investment and significant job creation - in the region of 700 jobs in connection with the dairy operations and 400 construction jobs. This application was submitted concurrently with three further outline applications covering the wider development delivering additional employment opportunities. Each of the applications was supported by Environmental Impact Assessment – assessing the potential significant environmental effects of each of the developments, as well as wider cumulative impacts. The development subsequently won a design award from the Local Authority.

KEY CONSULTEES AND STAKEHOLDERS	KEY OFFICERS
Adjoining Local Planning Authorities	Case Officer –Senior Planning Officer
Highways Agency	Head of Development Management
Environment Agency	Urban Design Officer
Parish Councils	Economic Development Officer
Ward Members	Planning Solicitor
Natural England	Landscape Officer
Thames Water	Travel Plan and Sustainability Officer
	Environmental Health Officer

#### PLANNING CHALLENGES:

- Principle of the development which was a departure from the development plan
- Highways and traffic generation- including how to improve the accessibility and sustainability of the location
- Visual and environmental impacts of the significant buildings on the landscape.
- Securing economic development and valuable local investment and jobs
- Role of adjoining local authorities; Dacorum Borough Council submitted formal objections

#### KEY MILESTONES AND EVENTS:

- Initial pre application approach from developer and positive response of LPA to the development
- Scoping of application and supporting documents including Environmental Impact Assessments
- Submission of planning applications
- Development of community engagement programme – including post development educational trips for local schools
- Use of ‘extended ‘public speaking arrangements at planning committee
- Committee decisions
- Frontloading of the development of conditions and efficient programme for early and swift discharge of conditions post decision.

Illustration of the development provided by ID Planning



### WHAT WORKED WELL?

**Early dialogue with developers:** the principle of development was discussed early on in the process and the LPA gave extensive pre application advice which included visiting the applicant's existing premises in Leeds; it established the information needed for the application and identified issues to be addressed in a S106 agreement.

**A development team approach was used:** with a series of meetings to resolve issues prior to application submission.

**Early engagement with the local community:** following the LPA's advice there was extensive and meaningful community engagement prior to formal submission including a series of written communications and public meetings

**Encouraged developers to speak to statutory consultees:** the LPA stressed the need for developers to engage with consultees ahead of the formal submission which meant that they then provided the necessary level of detail required by the consultees in the first instance. This avoided delays and the need to request further details.

**Dedicated case officer** and technical advisers were provided as part of the development team approach. Dialogue was ongoing with key parties, via dedicated officers, which meant that issues could be resolved quickly. These officers were empowered to negotiate on behalf of the Council giving confidence to the developer and a swifter process.

**Engagement with members:** once the application was received, informal briefings with the Strategic Development Management Committee were held. This forum also involved local ward members so that they were fully aware of the proposal and the issues involved.

**Extended speaking arrangements at planning committee:** the application generated a significant number of representations which triggered the Council’s extended speaking arrangements. This resulted in greater opportunity for people to make verbal presentations to committee and improved transparency of the decision making process.

The extended speaking arrangements at Aylesbury Vale Council are:

Local Councils consulted on the application 5 minutes each
Other Local Councils 2½ minutes each
Each individual or representative of a local group or society speaking against the application: 2½ minutes each (subject to a maximum of 25 minutes speaking time)
The maximum amount of time for any individual objector is therefore 2½ minutes
Each individual or representative of a local group or society speaking in support of the application 2½ minutes each (subject to a maximum of 25 minutes speaking time)
Applicant/agent 10 minutes in total
The maximum amount of time for any individual objector is therefore 2½ minutes

**Early discussion on conditions:** the case officer shared draft conditions with the developer for agreement as soon as they became available from consultees and , more holistically, when the case officer had drafted key parts of the draft committee report. Early dialogue meant that discharging of conditions was a faster process post decision. The case officer’s approach also enabled a better understanding of the developer's construction programme which meant that conditions could be more effectively tailored to the actual build programme – rather than a standard one size fits all approach to triggers.

- Conditions relating to matters such as archaeology and finished slab levels of the buildings had to be submitted and discharged *before any development took place on site*.
- Other matters such as those relating to landscape management plans, cycle storage and noise monitoring schemes had to be submitted and discharged *before any building was occupied*.

- A condition requiring no hard surfacing whatsoever on the site and no roofs on any buildings to be installed *until a surface water drainage scheme had been submitted and approved* by the Local Planning authority.

This approach allowed the development to progress in a controlled manner but avoided unnecessary delays post decision for discharge of a large numbers of *pre commencement* conditions.

**Developer post decision community engagement:** the developer set up a regular meetings with the parish and local members to keep them informed on any issues and provided a contact for residents. They have also contributed to the local community by providing educational trips around the site for local schools and groups, and providing archaeological finds to local exhibitions.

### WHAT COULD HAVE WORKED BETTER?

Due to the pro active and collaborative approach that was used by Aylesbury Vale it is difficult to identify any matters of substance that could have worked better. The successful front loading and management of the application process, led by the LPA, ensured a smooth process that delivered a key development with significant investment and economic benefits to the local area.

The comments of the applicant's agent demonstrate the successful approach of the LPA:

"Being given the opportunity to engage with the Council at an early stage ensured that all relevant planning issues were identified and agreements reached as to what information would be required to address relevant local planning policies. Given the proposal represented a departure from the local plan it was essential that all parties understood the nature of the proposal, timescales for delivery and the wide ranging benefits that would arise. The proposal gives rise to significant economic and social benefits but it was important to ensure that key environmental issues were properly addressed so that a sound planning decision could be made. The relationships continued post decision which was again vital to ensure the development was built within the timescales required. As with any complex planning application there were times where the applicant and the Council had differing views, my role as planning agent was made much easier by having a 'team' that respected and understood each other's position meaning that compromises could be reached in a timely manner. It has been a pleasure to be involved in being able to deliver this project and I have no doubt that early engagement (with the local planning authority) was a key factor." Alistair Flatman, Director, ID Planning.

**Case Study:** A master planned development approach effectively using developers and residents forums for communication.

**Local Planning Authority:** Preston City Council

**Development:** North West Preston; A strategic housing location, covering approximately 320 hectares, to deliver 5,300 new dwellings, new schools, health and community facilities, open space and other uses to support the new urban extension. The site is bounded to the North by the M55 and to the east by the M6.

The development was integral to the Central Lancashire Core Strategy adopted in June 2012. The development would deliver a significant new urban extension to meet the future housing needs of Preston. The site was mostly in private ownership and development was promoted through a master planned approach.

Twelve major planning applications for outline and reserved matters consent have been progressed, with these individual developments ranging in size from approx 20 dwellings to 350 dwellings. Further applications are expected. Work has started on site to implement two of these consents.

KEY CONSULTEES AND STAKEHOLDERS	KEY OFFICERS
Highways Agency County Highways Officer Environment Agency United Utilities County Education Parish Councillors Ward Councillors Local Community Organisations Local Enterprise Partnership ATLAS Team	Case Officer –Senior Planning Officer Head of Development Management Planning Policy Officer Urban Design Officer Planning Solicitor Strategic Housing Officer Travel Plan and Sustainability Officer Environmental Health Officer

**PLANNING CHALLENGES:**

- Impacts of such a significant number of new dwellings and associated development on the highway network.

- Securing appropriate standards of development – in particular quality design
- Local elected member concerns as initial applications did not adequately address highways infrastructure requirements and led to early refusals of applications by members.
- Role of County Council and Highways Agency –collaborative approach needed to identify solutions which included a new distributor road and a new motorway junction to M55.
- Links to City Deal and strategic economic planning
- Large number of planning applications to deliver wider master plan.
- Managing communications for development on such a large scale

### KEY MILESTONES AND EVENTS:

- Approval of the Central Lancashire Highways and Transport Masterplan (2012)
  - Preston, South Ribble and Lancashire City Deal (2013)
  - Completion of a masterplan for North West Preston (2014)
  - Preston Local Plan examination (2014-15)
  - Submission of the various planning applications
  - Committee decisions
- Establishment of the three forums focussing on developers, community and infrastructure to pro actively manage information and consultation

### WHAT WORKED WELL?

**Involvement of ATLAS from an early stage**, including during the preparation and development of the area wide master plan, undertaking a review of the master plan and a critical appraisal of the consultants' work. There is also ongoing support from ATLAS with matters such as viability, negotiation and design. ATLAS helped the LPA to secure capacity funding thereby ensuring their ongoing support.

**Pre application discussions** were held on a number of the applications which were beneficial – in particular allowing the involvement of key consultees at a very early stage.

**A project managed approach** to the various planning applications was used. Key tasks and processes such as issuing consultations, technical meetings, liaising with developers and stakeholders, identifying committee dates and so on were all identified at an early stage.

**The same case officer** was used for all planning applications resulting in the development of effective relationships with developers and stakeholders and extensive knowledge of the local area and key issues.

**Close working and an ongoing dialogue with key consultees** ( County Council and Highways Agency) ensured that any changes in circumstances relating to the highway network could be taken into account and problems were resolved without unnecessary delay.

**Effective use of developers, community and infrastructure forum** to ensure communication was ongoing and available to a range of key parties such as landowners, parish councils, ward councillors, residents groups etc. Three groups were established; NW Preston Developers Forum; Community Liaison Group and the Infrastructure Delivery Group. These groups enabled the case officer to engage with stakeholders in a two way process of information gathering and information sharing in a collaborative manner. This approach was necessary due to the fragmented ownerships on the site and many different interests involved in such a large project. The Planning Department took a lead role in this process and key stakeholders attend the forums. The forums meet 3 -4 times per year and cross cutting issues were reported between the groups.

**Community Liaison Group attendees:** ward councillors, county councillors, parish councillors, neighbourhood groups. The initial meeting focussed on construction related issues but future discussions will consider delivery of community infrastructure such as the design and management of the green spaces and the delivery of the planned community facilities.

**NW Developers forum attendees:** house builders, land owners and their representatives. Their focus is on deliverability, viability and local plan processes including delivering affordable housing targets and CIL/S106 payments. It is intended that this group considers and resolves issues as a strategic collective rather than on a piecemeal site by site basis.

**Infrastructure group attendees:** representatives from the Environment Agency, United Utilities and the County Council. Their core role is to ensure that the impacts of delivering 5,300 homes are fed into the infrastructure providers asset plans in a planned and co -ordinated way.

## **WHAT COULD HAVE WORKED BETTER?**

**Management of resources** - due to the volume of planning applications coming forward to deliver the master plan it was challenging for one case officer to manage. Whilst there have been clear benefits to this approach, it has been necessary to include other officers for some smaller applications. The use of an identified second or support case officer at the beginning, who had regular briefings about progress of significant issues, may have helped to manage this resource challenge.

**Consistent take up of pre application advice** – the strategic development site involved a number of house builders. Not all developers chose to undertake pre applications discussions on their applications. This meant that issues that could have been identified and resolved early on were not addressed until later in some applications, adding pressure and uncertainty to the process. Planning officers were not able to pro actively encourage these developers to see the benefits of community consultation in advance of formal submission.



**Planning Performance Agreements** - could have been used to formally establish requirements and target timescales from an early stage and would have complemented the project managed approach.

The Director of Development at Preston City Council comments on this development;

We recognised at an early stage that effective coordination would be crucial in order to successfully deliver North West Preston, particularly given the number of different land owners and developers, and the two tiers of local authorities. The masterplan provided a focus and a means of co-ordinating activity and an opportunity to plan comprehensively, by arranging a series of forums with the City Council and County Council representatives, developers, landowners and local community organisations. We remain committed to continuing this engagement throughout the delivery of the strategic location.”

Chris Hayward, Director of Development, Preston City Council

## CASE STUDY 3: ST. HELENS

**Case Study:** a development brief approach

**Local Planning Authority:** St Helens MBC

**Development:** 262 dwellings, 3 retail units with apartments above, GP surgery and pharmacy, offices, landscaped green spine and associated works on a site of 10.1 ha. The site was an employment site, although these activities were in decline and the land owner needed to rationalise their asset by securing planning permission for residential use.

The council took a pro active approach to progressing development on the site and commissioned a development brief as a positive and effective way of managing the planning process.. The brief secured clear parameters for key elements of the development including a need for a high number of affordable dwellings on the site, the creation of a high quality development , and maximising opportunities to link the site to the adjacent Taylor Park, one of the best parks in the borough.

The development provided opportunity to deliver aspirational housing – a key aim of the St Helens City Growth Strategy. The development involved investment of £31 million as well as 50 permanent jobs and a further 50 construction jobs.

### Eccleston Grange Development at April 2015



KEY CONSULTEES AND STAKEHOLDERS	KEY OFFICERS
Local Highways Officer Architectural Liaison Officer Local elected members Environment Agency Parish Councils Landowner and developer partner Senior local authority officers	Case Officer – Senior Planning officer Senior Planning Policy Officer Senior Building Control Officer Highways Officer Environmental Health Officer Parks and Leisure Officer Urban Design Officer Strategic Housing officer Senior Planning Solicitor Head of Regeneration Team Leader Planning

### PLANNING CHALLENGES:

- Principle of development – the site was an active employment use and the LPA needed a mechanism to enable re-provision of this elsewhere.
- Integration of supporting uses that were valuable to the community – including a GP surgery, pharmacy and social club.
- Securing high levels of affordable housing – in excess of usual policy requirements to meet local need, as well as delivery of significant numbers of aspirational housing to meet the aims of the Growth Strategy.
- Significant changes in ground levels and topography; managing an effective design solution with adjacent residential properties
- Strengthening links between the site and surrounding green space and parks
- Securing quality design.

### KEY MILESTONES AND EVENTS:

- Approval of St Helens Growth Strategy
- Initial discussions with landowner identifying development potential
- Start of formal pre application discussions and development of partnership with land owner
- Decision to progress development brief to guide and influence development on the site
- Completion and adoption of development brief
- Submission of planning applications
- Members briefings
- Committee decisions

### WHAT WORKED WELL?

**Pro active approach to securing a development brief for the site** - this was funded by the developer who employed planning consultants to progress the development brief. The brief was adopted by the Council for development control purposes. This set clear parameters for a quality development and helped the Council to deliver its vision for this site.

**Clarity of vision** – the development brief is very detailed and the LPA were involved in its preparation. The Council’s vision was incorporated into the brief as follows:

‘To create a mixed and inclusive residential development, based on the principles of sustainability and high quality urban design, which integrates with and compliments and enhances the existing neighbourhood of Eccleston without significantly harming the Boroughs supply of employment land.’

presentation to the Parish Council. These were undertaken at pre application stage and ensured local understanding of the scheme as well as awareness of the opportunities for the delivery of local facilities through the development. The provision of the GP surgery was a welcome element of the plans – as well as the delivery of a local retail store. This was to be the first Sainsbury’s store in the borough.

**Effective pre application advice** – including scoping out the application requirements , heads of terms for the legal agreement and details of a comprehensive public consultation strategy. This included a large letter drop in the community and a 2 day drop in consultation event. From the earliest opportunity the Council developed a partnership approach with the developer which helped to deliver the scheme in a positive, yet managed way.

**Clear approach to project management** – a steering group was established with the Head of Regeneration as project sponsor, providing a senior and strategic lead to the project. In addition the case officer is identified as the single point of contact and is responsible for forming and co-ordinating the ‘development team’ of council officers and external consultees input into the proposal.

**Excellent relationship management with the site owner-** the project has enabled the development of strong relationships with the site owner. This is important since they own other key sites in the borough. The owner’s developer partner has also committed to further developments in the borough as a result of the positive experience and collaborative approach of the LPA to securing appropriate development of this site.

### WHAT COULD HAVE WORKED BETTER?

**Less time to complete the development brief** - The development brief took approximately twelve months to prepare. This detailed approach met the needs of the developer, giving more detail and certainty over a range a matters, however it went beyond what was needed for purely planning purposes and could have been progressed in a shorter timescale.

**Planning Performance Agreement** –this could have been an effective tool to refine the project managed approach providing transparent timescales and maybe inputting additional resources to planning.

**Earlier resolution of Section 106 details** -Although draft heads of terms for the s106 agreement were discussed from the pre application stage, some details were outstanding when the planning committee approved the proposals. This impacted on the timescale for issuing the decision notice.

"It is important to St. Helens Council that we work with developers to secure the best developments possible. The site at Eccleston Grange was one where we worked in partnership with the landowner and their professional agents to create a Development Brief that provided future developers with clear guidance on what was expected for any future development scheme. The Development Brief clearly established the design parameters for the site and ensured that the site provided a significant green link through the site to access a local park, and also set the scale and orientation of the houses and the creation of a small local centre. When Jones Homes acquired the site they

each:

In support of the Council's approach the Regional Director of P.E. Jones Contractors, commented:

"To deliver this housing scheme we have worked closely with St. Helens Council, the original Development Brief provided us with assurances that the site was suitable for a housing development and allowed us to establish positive pre-application discussions with the Council and be granted planning permission quickly. The use of the Development Brief allowed us to place a realistic valuation on the development and assisted us with our negotiations with the landowner as we had a clear understanding of what the Council expected to be delivered as part of the housing development. Eccleston Grange is one of our most successful schemes, moving from our initial interest in the site to houses coming out of the ground has been a smooth process that we feel has been carried out in partnership with St. Helens Council. We consider that the use of Development Briefs can positively assist local planning authorities, landowners and developers to jointly work towards delivering quality housing developments".

J. F. Savage ; Regional Director, P.E. Jones Contractors

## CASE STUDY 4: MILTON KEYNES

<b>Case Study</b> – working with statutory consultees
<b>Local Planning Authority</b> – Milton Keynes Council
<b>Development:</b> New office building (37,790sq.m.) and two multi story car parks providing a total of 672 spaces to provide the new national headquarters for Network Rail. The development consolidated all of Network Rail's operations onto one site.

The development site is adjacent to Milton Keynes Central railway station and was the former National Hockey Centre and subsequently the home ground for MK Dons football team. This use had also ceased and the football team had moved to a new stadium.

Milton Keynes is a regional hub and focus for significant growth. The site is an important and prominent site locally – benefitting from its proximity and accessibility to the national rail network. The development involved £140 million investment and the creation of 3,000 direct new jobs – with a further 2,903 indirect and construction jobs.

KEY CONSULTEES AND STAKEHOLDERS	KEY OFFICERS
Sport England Highways Agency Homes and Communities Agency Central Milton Keynes Design Manager Town Council Councillors (including Ward Councillors) Development Control Committee Members	Case officer – Senior Planning Officer Senior planning Officer (Policy) Senior planning Officer (Sustainability) Head of Urban Design Senior Landscape Architect Assistant Director Planning Team Leader Planning Senior Highway Engineer Assistant Director Leisure Public Art Officer Travel Planner Passenger Transport Manager Crime prevention Design Advisor Senior planning Obligations Officer Senior Solicitor (Planning)

**PLANNING CHALLENGES:**

- Loss of formal sports pitches and how to address this through the planning application process. The application was a departure from the development plan.
- Role and involvement of Sport England as statutory consultee



- Economic impacts- the development would contribute to strategic growth plan objectives delivering significant job opportunities and multi million pound investment in Milton Keynes
- Impacts on the highway network – and addressing Highways Agency concerns
- Design and scale of development – including approach to public realm on a key site

### KEY MILESTONES AND EVENTS:

- Pre-application discussions ahead of submission
- Initial joint meeting with Local Planning Authority officers, Homes and Communities Agency ( as land owner) and agent/applicant
- Production of outline development brief produced by Milton Keynes Urban design team.
- Submission of application
- 3 x member and stakeholder events facilitated by Milton Keynes Council
- Extensive public consultation and exhibitions in Central Milton Keynes [see link below]
- Consultee management and removal of Sport England’s initial objection
- Committees decision

### WHAT WORKED WELL?

**Development team approach** was used to project manage the application and to provide dedicated case officers to the project. The same case officer negotiated the section 106 agreement and discharge of conditions providing continuity and efficient, timely decision making

**Pre application discussions** –a series of meetings involving all key parties enabled effective early engagement with key officers and stakeholders along with early identification of key issues and opportunities. These helped to address and overcome a number of key issues, particularly parking and access challenges, design solutions for such a large building and how it needed to be treated to be located in a prominent location, Sport England concerns about the loss ( and any necessary re-provision) of playing pitches and relationships and decisions of the Homes and Communities Agency as land owner.

### **Regular formal and informal contact with consultees.**

This included;

- development team meetings with all key parties
- regular follow up meetings with the applicant and their agent
- 1 to 1 meetings with key consultees and the case officer
- regular updates to the applicant by telephone, email and when necessary by letter

Clear communication channels with consultees were established at the outset. Discussions were progressed in a positive and respectful manner from pre application stage through to decision making. The consultees were made aware from pre application stage that the development was a corporate and a strategic priority for Milton Keynes Council. Close working enabled the consultees to understand and appreciate the importance of this development for both the Council and the developer which enabled consultees to give this application the appropriate priority and adequate resource. Consultees responded positively to this approach and were able to engage more effectively in the process as a result.

**Strategic support from Assistant Director** when needed to clear blockages and allow issues to be resolved. This was an effective approach to problem solving and reduced delay in the process. It also proved to be an effective way of demonstrating the Councils commitment to the project.

**Homes and Communities Agency role** as owner of the development site the HCA were a strategic partner and played a key role enabling delivery of the project. As a willing land owner they facilitated the land deal with the developer so that development viability was not an obstacle to delivery of the development.

**Extensive public consultation and stakeholder consultation** was used. The approach used for this application now forms the model approach for the Council when dealing with large/high profile schemes. More detail can be found in the Council's [Statement of Community Involvement](#).

**Ability to overcome Sport England objection** the Councils approach to working collaboratively with statutory consultees and the support and involvement of the Homes and Communities Agency (as land owner) enabled Sport England's initial objection to the development to be removed.

**Pragmatic approach to key issues by the Local Planning Authority** – for example flexible application of the parking supplementary planning document, allowing greater car parking on site whilst securing significant parking provision for public use and therefore wider public benefit.

## WHAT COULD HAVE WORKED BETTER?

**Earlier resolution of Section 106 details** detailed discussions could have progressed, and more importantly, been resolved sooner in the process to avoid delay in issuing decisions and to provide more clarity for decision makers.



**Better working relationship with Sport England** – earlier engagement with this key statutory consultee would have been beneficial, in addition discussions in person rather than in writing would have been more effective and more efficient.

Head of Development Management at Milton Keynes comments that:

The development represented a major inward investment proposal for Milton Keynes bringing around 3,000 new jobs. The project was delivered to a tight timescale which was greatly helped by close working with stakeholders and support from consultees to quickly identify issues and work collaboratively to deliver solutions.”

Andrew Horner, Head of Development Management, Milton Keynes Council