



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), D'Agorne, Firth, Funnell, Horton, Hudson, Hyman, Jamieson-Ball, Moore, Morley, Pierce, Potter (Vice-Chair), Reid, Simpson-Laing, B Watson and Wiseman

Date: Thursday, 27 August 2009

Time: 4.30 pm

Venue: The Guildhall, York

There are no site visits scheduled for this meeting

AGENDA

1. Declarations of Interest

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5.00pm the day before the meeting, which is Wednesday 26 August 2009. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

3. Plans List

This item invites Members to determine the following planning applications:

- a) **Proposed University Campus Lying Between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (09/01228/REMM)** (Pages 3 - 10)

Landscaping to Dean's Acre Link Road [*Heslington Ward*].

- b) **University of York, University Road, Heslington, York YO10 5DD (09/01254/REM)** (Pages 11 - 18)

Construction of a Central Landscape Vista [*Heslington Ward*].

4. Planning Performance Agreements - Draft Charter for Consultation (Pages 19 - 30)

This report seeks Committee approval to consult upon a draft charter for Planning Performance Agreements (PPA's). This charter will provide an agreement between the Council and applicants to provide a project management framework for handling large scale or complex major planning applications.

5. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jill Pickering

Contact Details:

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Heslington
Date: 27 August 2009 **Parish:** Heslington Parish Council

Reference: 09/01228/REMM
Application at: Proposed University Campus Lying Between Field Lane And Low Lane A64 Trunk Road And Hull Road York
For: Landscaping to Dean's Acre link road
By: University Of York
Application Type: Major Reserved Matters Application (13w)
Target Date: 21 September 2009

1.0 PROPOSAL

1.1 The Outline Planning Permission granted by the Secretary of State for Communities and Local Government on 27th June 2007 allowed for the construction of an access road via Dean's Acre linking Field Lane and Innovation Way to allow access for traffic between the two elements of the University Campus without travelling through Heslington village and past Heslington Hall. Condition 2 of the permission Ref: 04/01700/OUT requires that details of the landscaping of the link road to be submitted for further determination as Reserved Matters. The current proposal, which has been informed by the submissions, made under conditions 11 (Design Brief incl. Master Plan), condition 12 (Landscape Design Brief) and condition 13 (Landscape Management Plan) outlines the detailed landscaping proposals for the approved link road. The detailed alignment of the road together with its landscaping has been the subject of on-going discussions through the Heslington Community Forum. A "Utilities Corridor" linking the underground services between the two elements of the University was approved on the same general alignment as the link road under permission ref: 08/02272/FUL.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Heslington 0029

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodzone 3 GMS Constraints: Flood Zone 3

Listed Buildings GMS Constraints: Grade 2; Railings, Gates, And Piers 30m N Heslington Hall

Listed Buildings GMS Constraints: Grade 2; Heslington Anglican And Methodist Church Field Lane

Listed Buildings GMS Constraints: Grade 2; Font 2.5m N Heslington Church Field Lane

Schools GMS Constraints: Lord Deramore's Primary 0208

2.2 Policies:

CYED9
University of York New Campus

CYHE2
Development in historic locations

CYGP9
Landscaping

3.0 CONSULTATIONS

INTERNAL:

3.1 Highway Network Management raise no objection to the proposal;

3.2 Design, Conservation and Sustainable Development raise no objection to the proposal;

3.3 Environmental Protection Unit raise no objection to the proposals.

EXTERNAL:

3.4 North Yorkshire Police Force Architectural Liaison Officer raise no objections to the proposals;

3.5 Hull Road Planning Panel raise no objections to the proposals;

3.6 York Natural Environment Panel raise no objections to the proposals;

3.7 Natural England raise no objection to the proposals;

3.8 Dunnington Parish Council raise no objections to the proposal;

3.9 Heslington Parish Council were consulted with regard to the proposal on 1st July 2009. No observations have been received.

4.0 APPRAISAL

DETAILED POLICY CONTEXT:-

4.1 PPG 15 "Planning and the Historic Environment" sets a clear Central Government Planning Policy requirement for new development within Conservation Areas to secure their preservation and enhancement or at the very least have a neutral impact linking into the statutory test outlined in Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act.

4.2 Policy Y1 Bi) of the Yorkshire and Humber Regional Spatial Strategy sets the growth and diversification of York as a key driver of the Leeds City Region Economy by encouraging knowledge and science based industries as a key policy objective. The expansion of the University of which the current application forms a part aims to facilitate this.

4.3 Policy GP9 of the York Development Control Local Plan sets a firm policy requirement that new development where appropriate must incorporate suitable landscaping which should be planned as an integral part of the proposal, must incorporate an appropriate range of indigenous species, reflect the character of the locality and the surrounding development and form a clear, long term edge to development in or adjoining open countryside.

4.4 Policy ED9 of the York Development Control Local Plan sets a firm policy framework for expansion of the University through the development of the Heslington East campus. The ability to provide vehicular and pedestrian access between the two elements of the University in Heslington without putting pressure on the existing junction between University Road and Heslington Lane in the vicinity of Heslington Hall or routing traffic through Heslington village is a major element of the overall development scheme.

4.5 Policy HE 2 of the York Development Control Local Plan sets a firm policy requirement that in locations which affect the setting of Listed Buildings development proposals must respect adjacent open spaces, landmarks and settings. Proposals would furthermore be required to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area. The application site forms a key element of the setting of Heslington Parish Church and lies within Heslington Conservation Area.

4.6 Heslington Village Design Statement adopted as Supplementary Planning Guidance by the Authority sets a requirement that any University related development should minimise any impact upon views into or out of the village.

KEY CONSIDERATIONS:-

4.7 Key Considerations Include:-

- i) Impact upon the setting of Heslington Church and the character and appearance of the Conservation Area;
- ii) Impact upon the landscape setting of Heslington Village and the built edge of the wider urban area;
- iii) Impact upon the delivery of the wider University development plan.

IMPACT UPON THE SETTING OF THE CHURCH AND THE WIDER CONSERVATION AREA.

4.8 Dean's Acre forms a significant element within the wider setting of Heslington Church in views from the east and south east along Field Lane and forms a key site within the north eastern section of the Heslington Conservation Area. The nature of Heslington Conservation Area in that region comprises low rise, very low density

built development set within mature landscaping giving an overall sylvan, pastoral ambience. Prior to development for the construction of the Utilities Corridor Dean's Acre gave the appearance of a "church meadow" commonly found in such locations. The safeguarding of Dean's Acre and its contribution to the setting of the Church and the wider Conservation Area formed a major consideration in the determination at Public Inquiry of the application for Outline Planning Permission for the Heslington East Campus (Ref:04/01700/OUT) and the current application for Determination of Reserved Matters in relation to detailed landscaping forms a key element of mitigating the visual impact of road construction and the previous work to construct the Utilities Corridor.

4.9 The proposals envisage hedge planting to the north and north east of the link road to match that characteristic in the area and the proposed street lighting would be concentrated in this area. To the south and south west of the link road a dense area of tree and shrub planting would secure a firm boundary between the link road and the remaining meadow and the area of the church. Iron railings to match the existing would provide a further degree of characteristic boundary treatment. The combination of landscape elements together with appropriate boundary treatments would secure the views into and out of the Conservation Area and protect the setting of the historic church, preserving and enhancing the character and appearance of the Conservation Area.

IMPACT UPON LANDSCAPE SETTING OF HESLINGTON VILLAGE AND BUILT UP EDGE OF WIDER URBAN AREA:

4.10 Dean's Acre prior to development for construction of the Utilities Corridor formed an important element of the landscape setting of the eastern section of Heslington village and the gentle built fringe of the wider urban area. The scheme with the concentration on planting to either side of the Link Road alignment and the retention of an element of meadow land to the south west in close proximity to the church would secure the protection of the wider landscape setting of the village and assist in the creation of a distinctive landscaped fringe to the edge of built development in this area.

IMPACT UPON DELIVERY OF THE WIDER UNIVERSITY DEVELOPMENT PLAN:

4.11 The need to create a link whereby vehicles and pedestrians may travel between the two University Campuses at Heslington without causing congestion in the environs of Heslington Hall or Heslington village, associated with the Central Movement Spine servicing Heslington East Campus, has been a fundamental element of the overall scheme. The most appropriate location for such a link was identified as across Dean's Acre where the fixed utility link was also to be constructed. This created a need for the implementation of appropriate mitigation measures, which have been included in the current landscaping proposals.

5.0 CONCLUSION

5.1 Dean's Acre comprises an area of meadow within the Heslington Conservation Area towards its north eastern edge and which forms an integral element of the wider landscape setting of Heslington village and the historic Victorian Heslington Church. As part of the Outline Permission for the development of the wider Heslington East Campus (ref: 04/01700/OUT) consent was given for construction of

a link road across Dean's Acre between the two elements of the University Campus. The proposed landscaping would secure the mitigation of impacts upon the wider landscape setting of the village and specifically the Conservation Area. Approval is therefore recommended.

6.0 RECOMMENDATION: Approve

1 The landscape planting and fencing works hereby authorised shall be implemented within six months of construction of the Dean's Acre Link Road.

Reason: To secure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

DD110317.L.406 Dated 10th June 2009 ; DD110317.L.405 Rev F Dated 20th May 2009 and DD110317.L.404 Rev I Dated 29th May 2009.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact upon the setting of Heslington church, impact upon the character and appearance of Heslington Conservation Area, impact upon the landscape setting of Heslington and the built fringe of the wider urban area and impact upon delivery of the wider University Development Plan. As such the proposal complies with Policies GP9, ED9 and HE2 of the City of York Development Control Local Plan, Y1 of the Yorkshire and Humber Regional Spatial Strategy and Central Government advice on Planning Control within Conservation Areas outlined in PPG 15 "Planning and the Historic Environment".

Contact details:

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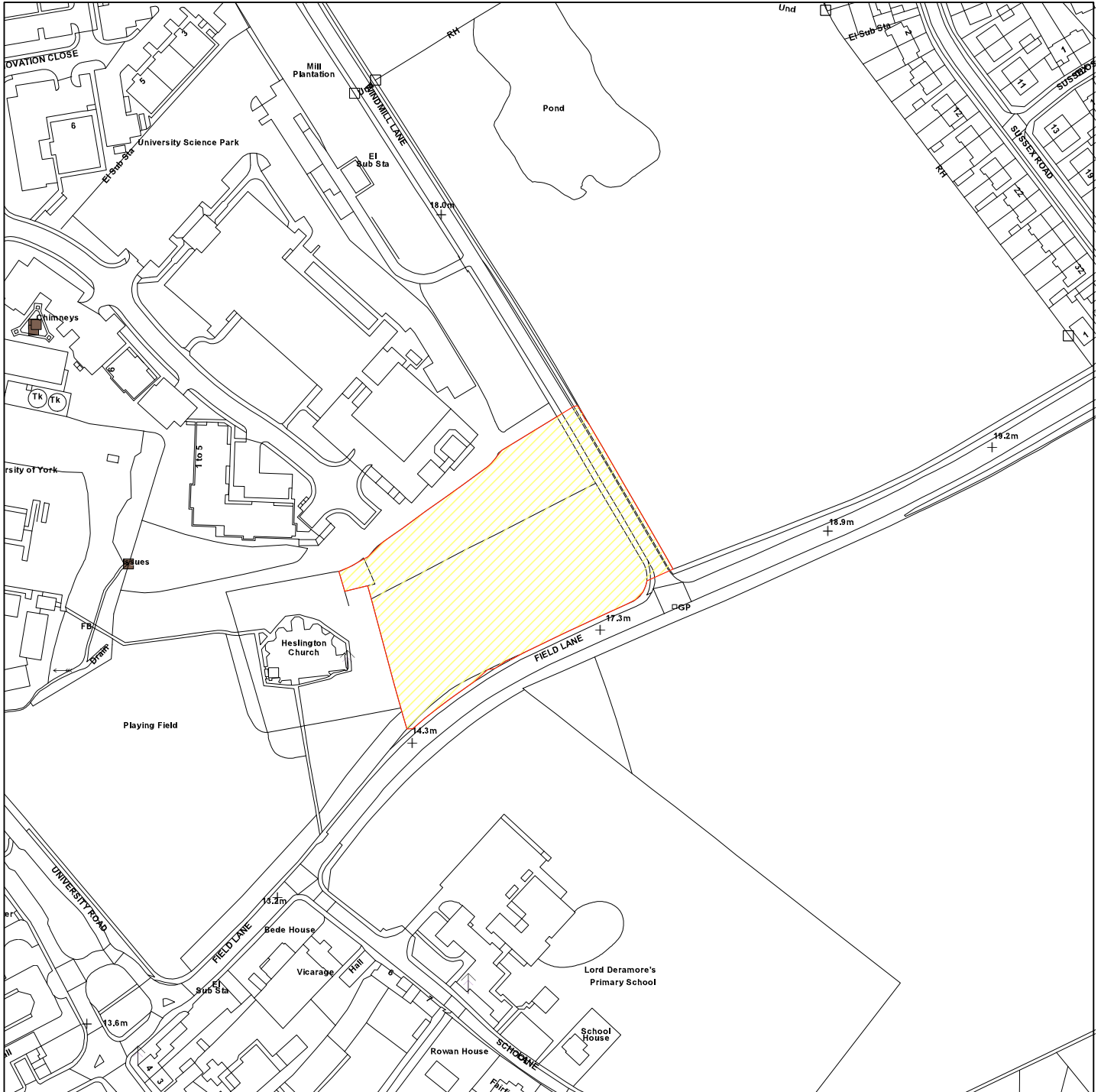
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Dean's Acre, Heslington

09/01228/REM



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	14 August 2009
SLA Number	Not set

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Heslington
Date: 27 August 2009 **Parish:** Heslington Parish Council

Reference: 09/01254/REM
Application at: University Of York University Road Heslington York YO10 5DD
For: Construction of a Central Landscape Vista
By: University Of York
Application Type: Approval of Reserved Matters
Target Date: 24 August 2009

1.0 PROPOSAL

1.1 Outline Planning Permission (ref:04/01700/OUT) was given by the Secretary of State for Communities and Local Government for the construction of a 65 hectare University campus on land to the south of Field Lane following a Public Inquiry in December 2007. A series of proposals incorporating the construction of student housing and academic buildings comprising phase 1 of the development are currently in the process of construction. As part and parcel of the Outline Permission a requirement has been established for the laying out of a series of landscape vistas creating specific views of the new academic buildings and out into open countryside beyond the overall development as well as incorporating elements of the surface water and circulation networks. The current proposal is the first of these vistas for which permission is sought lying directly to the east of the buildings being constructed as Cluster 1.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP9
 Landscaping

CYED9
 University of York New Campus

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal;

3.2 Design, Conservation and Sustainable Development - raise no objection to the proposal but wish to see a number of matters of fine detail reserved by condition for further approval.

3.3 Highway Network Management - raise no objection to the proposal but wish to see the constructional detail of the service road crossing the site reserved for further approval.

EXTERNAL:-

3.4 The North Yorkshire Police Force Architectural Liaison Officer raises no objection to the proposal;

3.5 Hull Road Planning Panel raise no objection to the proposal;

3.6 York Natural Environment Panel raise no objection to the proposal;

3.7 The Highways Agency raise no objections to the proposal;

3.8 The Ouse and Derwent Internal Drainage Board raise no objection to the proposal;

3.9 The Environment Agency raise no objection to the proposal subject to any approval incorporating an informative in relation to the design of the Swale crossing the site.

3.10 Yorkshire Water Services Ltd raise no objection to the proposal;

3.11 Dunnington Parish Council raise no objection to the proposal.

3.12 Heslington Parish Council were consulted with regard to the proposal on 1st July 2009. No observations have been received.

4.0 APPRAISAL

DETAILED PLANNING POLICY CONTEXT:

4.1 Policy Y1 Bi) of the Yorkshire and Humber Regional Spatial Strategy sets the growth and diversification of York as key driver of the Leeds City Region Economy by encouraging knowledge and science based industries as a key policy objective. The expansion of the University of which the current application forms a part aims to facilitate this.

4.2 Within the York Development Control Local Plan:-

* Policy GP9 sets a firm policy requirement that new development where appropriate must incorporate suitable landscaping which should be planned as an integral part of the proposal, must incorporate an appropriate range of indigenous species, reflect the character of the locality and the surrounding development and form a clear, long term edge to development in or adjoining open countryside.

* Policy ED9 sets a firm policy framework for expansion of the University through development of the Heslington East Campus. The current proposal to create an appropriate visual context for the development is a major element of the overall scheme.

KEY CONSIDERATIONS:-

4.3 Key Considerations include:

- i) The detailed topography and range of planted species to be adopted;
- ii) Proposed materials chosen for hard surfaces;
- iii) Utilisation of public art;
- iv) Dimensions and configuration of the proposed service road.

DETAILED TOPOGRAPHY AND RANGE OF PLANTED SPECIES TO BE ADOPTED;

4.4 It is envisaged that the proposed vista would comprise a tree lined grassed space with areas of gently rolling topography and bulb planting, criss-crossed by pedestrian and vehicular service access routes. A swale forming part of the surface water drainage system lies to the south of the eastern tree belt, having been culverted across the central section of the site. A series of flatter spaces with shorter grass have also been created to give the opportunity for more informal recreation to take place. A detailed contour plan has been submitted with the application and this illustrates the construction of a series of low mounds incorporating species-rich grassland to give an enhanced sense of enclosure within the central section of the site.

4.5 In terms of the species mix adopted, a mix of flowering crocuses, snowdrops and native daffodils would be used to give ground cover. In terms of tree cover a mix of Flowering Cherry and Lime together with stands of larger parkland trees would be adopted such as Oaks, Alders and Field Maple. The arrangement of planting mix and topography are largely acceptable. A detailed planting schedule has not been submitted so it would be reasonable to append a detailed landscape condition to any permission.

HARD SURFACING MATERIALS;

4.6 It is envisaged that resin bound gravel would be used as the principal paving material for pedestrian areas as previously agreed in other sections of the overall development. For the areas of vehicular usage, heather hydropave permeable sets would be adopted, again as previously agreed in respect of other sections of the overall development. The precise constructional details of the hard surfaced areas have been dealt with under Condition 25 to the original Outline Permission ref :04/01700/OUT. It would not therefore be appropriate to condition the constructional details of the service road crossing the site for further approval in relation to the current application. Lighting and street furniture have generally been agreed as part of the strategy for the wider development, it would however be reasonable to

condition the detail of the seating for the Landscape Vista for further approval at this stage in view of its significance for the scheme.

PUBLIC ART;

4.7 The Masterplan for the scheme does suggest the location of a sculptural element at the meeting point of pedestrian routeways towards the northern edge of the vista, however the issue of public art would be more appropriately dealt with as part and parcel of a strategy for the development as a whole than piecemeal for individual elements such as the Central Vista.

DIMENSIONS AND CONFIGURATION OF THE PROPOSED SERVICE ROAD;

4.8 The service road which crosses the area of the vista would be some 3.8 metres wide with a 2 metre wide reinforced grass strip on the inside of the route to accommodate any over-run by service vehicles. The area of servicing and car parking bays at the western end of the service road lie outside the application area for the current proposal having been dealt with under the Reserved Matters permission for Goodricke College (ref:08/00032/REMM).The junctions of the pedestrian ribbon with the service road would be differentiated with the use of the appropriate setts and kerbs. The details of the proposed swale and associated drainage have been dealt with in relation to Condition 19 of the original Outline Planning Permission Ref:04/01700/OUT.

5.0 CONCLUSION

5.1 The first phase of the Heslington East campus development comprising the construction of academic buildings with associated student housing and ancillary works (Cluster 1) is currently being undertaken. A low density of development within an overall parkland setting was a key element behind the Outline submission. The current proposal for the formation of a landscape vista to create a clear view into open countryside forms an important element of the strategy. The area comprised within the vista would encompass a pedestrian access ribbon, a section of service road, areas of grass covered mounding to create a sense of enclosure, informal recreation areas and two treed alignments with ground cover planting. The proposal would comply with Policies GP 9 and ED9 of the Draft Local Plan and approval is therefore recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

Drawing Ref: (9-) L020 Rev A Dated April 2009 ; Drawing Ref: (9-) L018 Rev A Dated April 2009 ; Drawing Ref L019 Rev A Dated April 2009 ; Drawing Ref: (9-) L021 Dated April 2009 ; Drawing Ref:(9-) L022 Dated April 2009 ; Drawing Ref 30080-P-333 Rev D Dated March 2009.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and other planting. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

4 Notwithstanding the application details hereby approved full details of the proposed seating including location, design and finishes shall be submitted to and approved in writing by the Local Planning Authority before work on site commences. Work shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason : To safeguard the character of the site in the interests of visual amenity and to secure compliance with Policy GP9 of the York Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to topography and mix of planting species, hard surfacing materials, location of public art and configuration of proposed service road. As such the proposal complies with Policies GP9 and ED9 of the City of York Development Control Local Plan.

2. SWALE DESIGN:-

The discharge of surface water via the swales running the length of the vista shall be regulated to the greenfield run-off from a 1 in 1 year storm and shall be able to accommodate at least a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.

Contact details:

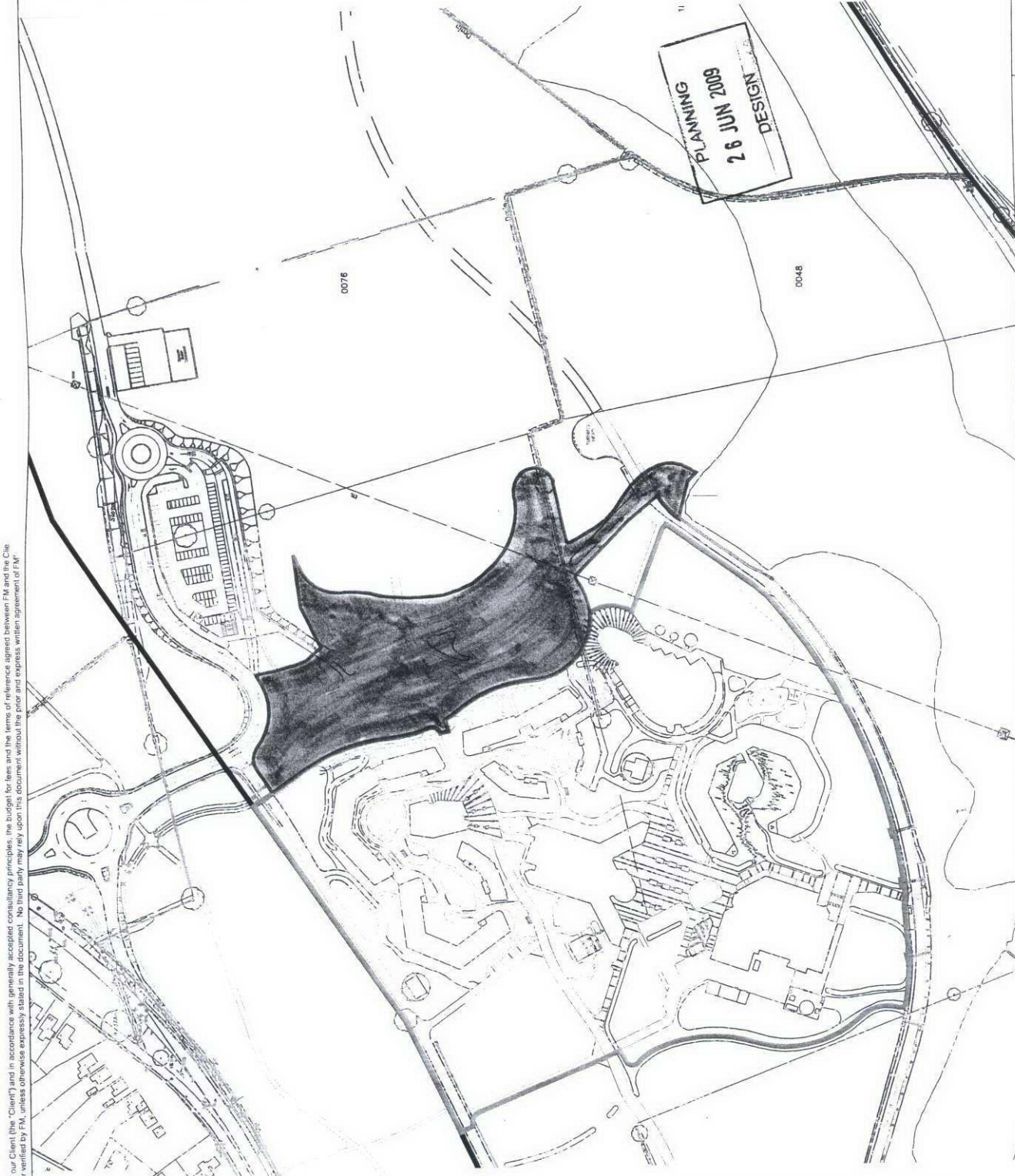
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Proposed University Campus, Heslington

09/01254/REM



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Key

- Cluster One Boundary
- Allocation Boundary
- Site Area

Organisation	City of York Council
Department	Planning & Sustainable Development
Comments	Application Site
Date	14 August 2009
SLA Number	Not set

	FABER MAUNSELL St. Christopher House, George Cayley Drive, Clifton Moor, YORK, YO30 4XE	Title Central Vista	Project Central Vista	Site Location
Tel: +44 (0) 1904 694400 Fax: +44 (0) 1904 694499 www.fabermaunsell.com				
Design: MIT Checked: KNH Approved: SP	CAD: MIT Date: April 2009 Scale: 1:2500 @ A3	Drawing No. Figure 1 Rev.		



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Planning Committee

27 August 2009

Planning Performance Agreements – Draft Charter for Consultation

Summary

- 1 This report seeks Committee approval to consult upon a draft charter for Planning Performance Agreements (PPAs). A PPA is an agreement between the Council and applicants to provide a project management framework for handling a large scale or complex major planning application.

Background

- 2 Planning Performance Agreements (PPAs) were formally introduced into the planning system on 6 April 2008. They can be used for any 'major' planning proposal, but are primarily aimed at complex development proposals.
- 3 PPAs are about improving the quality of planning applications and the decision making process through collaboration. They bring together the Local Planning Authority (LPA), developer and key stakeholders from an early stage to work together in partnership throughout all stages of the planning process. They are essentially part of a collaborative project management process and tool that provide greater certainty and transparency to planning application assessment and decision making. They are also part of a wider shift in the approach to how the development process is dealt with in local authorities, with the term Development Management (DM) now widely used in place of Development Control
- 4 The key characteristics of Development Management are:-
 - a. It is an integral part of the spatial planning process as it involves putting spatial development plans into action
 - b. It is the end-to-end (i.e. from first pre-application approach to completion on site) management of the delivery chain for sustainable development
 - c. The Development Management approach involves a culture change, underlining the role of the local authority as a place shaper in partnership with others
 - d. It aims to recognise that the processes for considering proposals need to be proportionate and appropriate to the impact of the individual development

- e. The DM approach tends to necessitate changes in the structure and allocation of resources within local planning authorities
- 5 The PPA concept has evolved from an initial idea put forward in the 2001 Planning Green Paper, through to a pilot project in 2006 (on the use of 'planning delivery agreements') which was run by the Planning Advisory Service with ATLAS (**A**dvisory **T**eam for **L**arge **A**pplication**S** support). The vast majority of participants across both the public and private sectors recognised the value that some form of agreement could add in terms of improving the quality of process and outcome, and giving greater robustness to decision making. The response of Communities and Local Government is encapsulated in their consultation document and was announced in the Planning White Paper 2007.
- 6 The draft charter as attached at Annex A sets out the framework for an agreements, highlighting the content.

Options

Option A - Approve the charter as attached at Annex A for public consultation over a 3 week period. This option is recommended

Option B - To Approve the charter as attached at Annex A without public consultation. This option is not recommended

Option C - To not approve and adopt the charter, and so not introduce Planning Performance Agreements. This option is not recommended

Analysis

- 7 There are a number of perceived benefits to the PPA process for large scale or complex major developments, which include the following:
- Providing certainty for all development partners (the Council, developer, elected Members and the community) in terms of an agreed timetable for the handling of complex major projects
 - Nomination of a project lead on behalf of both the Council and developer to take forward the major development proposals in accordance with the agreed timetable
 - Providing certainty about the requirements for processing large scale complex applications;
 - Clarifying the means of engagement and consultation with the local community, in accordance with the Statement for Community Involvement
 - Establishing a clear framework for the delivery of the complex major projects

- 8 In addition, the adoption of an agreement allows the timescales for the determination of the subsequent planning application to be decided by the parties involved, taking the application out of the 13 week government target regime, which is often unrealistic.
- 9 The most commonly cited concern with PPAs is the perception that an Authority is, in entering an agreement, committing itself to supporting or approving the application. For this reason it is important that the agreement makes it quite clear that it relates to the process rather than the support or otherwise of the application. Paragraphs 12 and 18 of the draft charter cover this point.
- 10 A second issue relates to the ability of the Local Authority to be able to deliver on its side of the agreement, by committing sufficient levels of resource into the particular project and being appropriately organised to provide the input. In terms of major or complex proposals to which such agreements would relate, the Projects Team of City Development together with the Community Planning officers and nominated Development Control case officers help to fulfil many of the commitments. Funding from Yorkshire Forward towards a renaissance team to help to deal with the large-scale projects such as Castle Piccadilly and York Central/Northwest will also ensure there is sufficient capacity to successfully administer these important development projects. The agreements will help to provide a more formalised framework or structure to this pre application activity, and secure commitment from consultees to this process.

Conclusion

- 11 PPAs are an important element of the Development Management approach to delivery of important schemes to the City. They help to demonstrate the Local Authority's commitment to dealing with the whole of the development process from first pre application discussion through to implementation of a scheme (if it is acceptable and permission is granted). In return they help to secure a commitment from developers and major consultees to follow appropriate pre-application consultation processes and to allow the Authority sufficient time to consider the evolving details.

Corporate Priorities

- 12 The charter and the introduction of Performance agreements for large schemes will help to support the City's economy, and help to ensure the special qualities of the City are considered at the earliest stages of development process. The Charter therefore supports the corporate objectives relating to making York a thriving city and a sustainable city, as well as contributing towards a more effective organisation.

Implications

- 13 Financial – There are no financial implications directly arising from the adoption of a charter for Planning Performance agreements

14 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the more formalised pre application processes.

15 Legal – There are no known legal implications associated with this report or the recommendations within it.

16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

17 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

18 That the Committee agree to Option A, to approve the charter for public consultation over a 3 week period to include:-

- Consultation with planning agents and consultants
- Consultation with community groups and amenity bodies
- Consultation with statutory and the main non statutory consultees
- Placement of the charter document on the Council’s website and in the Council Offices
- That Members receive any comments arising from the consultation and consider them at the October Planning Committee meeting.

Reason: To aim to provide a project management framework for handling large scale or complex major planning applications which will provide certainty for all development partners.

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Report Approved **Date** 14th August 2009

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Planning Performance Agreements: a new way to manage large-scale major planning applications - Government response to consultation replies. Department of Communities and Local Government (CLG). May 2007

Implementing Planning Performance Agreements: Guidance Note by CLG and Planning Advisory Service. June 2009

Development Management Guidance and Discussion Document :Planning Advisory Service and Addison Associates. June 2008

Killian Pretty Review - Planning Applications: A faster and more Responsive system November 2008 CLG

Government Response to the Killian Pretty Review: CLG. March 2009

Annexes:

Annex A - Draft Charter for Planning Performance Agreements

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DRAFT**PLANNING PERFORMANCE AGREEMENTS (PPA) CHARTER****INTRODUCTION**

- 1 This document (the “PPA Charter”) sets out the approach of City of York Council to Planning Performance Agreements (PPA). The Department for Communities and Local Government (CLG) consultation publication: ‘Planning Performance Agreements: a new way to manage large-scale major planning applications’ (May 2007) defines a PPA as an ‘agreement between a local planning authority and an applicant to provide a project management framework for handing a major planning application’. It also follows further guidance published by the Advisory Team for Large Applications (ATLAS)¹, which recommends that if PPAs are to be used regularly, a Local Planning Authority is encouraged to establish a formal process document (“Charter”) to set out their broad methodology for dealing with large complex development projects.
- 2 The establishment of this PPA charter is consistent with the Council’s commitment to collaborate with developers/applicants to deliver major and complex developments that address Planning and Sustainable Development Service Plan objectives:
 - To provide effective stewardship of the City’s historic and natural environment alongside the complimentary objective of economic growth within the City.
 - To influence development schemes, to ensure the highest quality of design and appearance, which enhances the unique character and future well being of York.
- 3 The Planning Service also has strategic objectives to improve planning application performance without compromising the quality of development.
- 4 The objective of this Charter is to clarify the Council’s expectations of the PPA process, summarised as:

Commitment: The commitment of City of York Council, statutory agencies and service providers to the PPA process and the approach and actions that developers/applicants are expected to commit;

Engagement: Expectations for community involvement and the method of engagement with Members;

Resources: The expectations of the Local Planning Authority with regard to the delivery of the PPA process and support from the developer/applicant;

Process: The key requirements of the statutory application process and the expected content of a PPA.

PPA APPLICATIONS

- 5 Inclusion within the PPA process will be determined by complexity of the project at both pre-application and application phase rather than its scale, albeit that the DCLG definition of a small scale major application forms the minimum threshold. Where a sufficiently complex major development proposal has the potential to accord to the provisions of the relevant Development Plan, or in the case of a Departure from the Plan, to meet any of the City Council's broader regeneration or community objectives, the management of the application through the PPA process will be promoted
- 6 Any planning application for which a PPA is in place at the pre-application stage will be exempted from the Best Value performance indicator N157a (formerly 109a) (13-weeks determination period) if the agreed PPA timescale is subsequently met, to allow applicants and the Local Authority to negotiate a flexible timescale that reflects the complexity and requirements of the individual application.
- 7 CYC anticipates promoting a PPA for strategic and very complex projects and other significant proposals which have one or more complex planning issues that need careful and well planned consideration with the assistance of a statutory consultee.

COMMITMENT TO THE PPA PROCESS

City of York Council

- 8 An initial approach regarding any large-scale development project should be directed towards City Strategy officers in either Development Control or City Development (Major Projects Team). As the project evolves towards the PPA process, a Project Team will be created involving relevant officers from other Council departments to ensure a unified and consistent approach.
- 9 The Development Control Area Team Leader will oversee those development proposals that have a PPA, unless he is taking the role of the Council's Lead Officer in the Project Team. The Project Team will report to him directly. The assisatt Director (Planning And Sustainable Development) or Head of Development Control will oversee those

developments where the Area Team Leader is the Council's Lead Officer. For most development proposals with PPAs a DC Officer or Asssistant Team Leader will be the Council's Lead Officer.

- 10 The responsibilities of the Overseeing Officer are to advise or direct the Project Team on the:-
- links with other relevant corporate initiatives
 - direction of the project to meet corporate objectives;
 - most appropriate form of consultation including with members;
 - timescales to be achieved
- 11 The responsibilities of the Council's Lead Officer include:-
- coordination of the project team
 - primary contact with the developers' project team
 - delivery of tasks to timetable
 - liaison with stakeholders including public consultation
 - regularly reporting back to Overseeing Officer
- 12 All Council officers will work on behalf of CYC in the wider public interest to secure the optimum scheme that delivers the Council's planning and regeneration objectives and accords with relevant planning policy, including relevant supplementary planning documents. Officers will express their own professional opinions that will form guidance for the applicant. This guidance will not, however, bind officers to a final recommendation nor override the requirements for a formal planning application to be determined without prejudice and within the statutory requirements of current planning legislation. The Council will use best endeavours to meet the agreed programme.

Service Providers and Statutory Agencies

- 13 For the larger complex applications, it is anticipated that other stakeholders from partner statutory agencies are likely to be required to provide pre-application advice in a timely and proactive manner. The most relevant Statutory Agencies in respect of applications in York are the Environment Agency, English Heritage and Natural England, who have all committed in principle to pre-application involvement as part of the PPA process

Applicant

- 14 CYC will expect the applicant to approach any project in a direct, collaborative and creative manner and to work co-operatively with the Council in the sharing of information. The applicant will be expected to appoint the appropriate professional consultants with sufficient experience to reflect the complexity of the project. They will be also expected to use best endeavours to meet the agreed programme.

COMMUNITY ENGAGEMENT

- 15 As set out in the Statement of Community Involvement (SCI), CYC is committed to engaging with the people and organisations of York in planning for sustainable development in an open and constructive manner. Appropriate methods of pre-application consultation therefore play a significant role in understanding the views of residents and organisations at an early stage. The SCI can be viewed at www.york.gov.uk following the links Planning and then Local Development Framework.
- 16 The applicant will be obliged to ensure that all pre-application community consultation is meaningful and not seen as a public relations exercise to win support for a pre-determined proposal. Additionally, the responsibility for carrying out pre-application consultation (and the costs of doing so) will rest with the applicant.

MEMBER INVOLVEMENT

- 17 CYC will ensure that its Members are openly engaged in the PPA process. This will be through means considered most appropriate by the Overseeing Officer depending on the complexity and strategic impacts of the proposal. This could involve briefing;
 - The Executive
 - Ward members
 - Planning Committee Chairs and Vice-Chairs
 - Planning Committee
 - Executive Member Advisory Panel
- 18 The purpose of the briefing will be to allow Members to gain a full understanding of the project and other pertinent issues. Members will not express views about the planning merits of the project nor will they engage privately with the applicant.
- 19 The role of Members in such briefings is principally to facilitate community involvement in the planning process. There will be no conflict between this role and the proper conduct of Members who are involved in determining applications as Members of a Planning Committee and they will be expected to adhere to the Code of Conduct for Members on planning matters and must not predetermine their view on an application. Members attending briefings who are not on the Planning Committee are free to express a view on the scheme if they so wish.

FEES

- 20 At the present time, City of York does not intend to charge a fee for the PPA process unless circumstances change or exceptional service is required.

PPA PROCESS EXPECTATIONS

- 21 CYC will expect any applicant engaged in the PPA process to sign a Planning Performance Agreement to which the Council will also commit. It is envisaged that the process will comprise three key phases:

Screening and Scoping

- Early pre-application review of the project and agreement to engage in the PPA process.
- Agreement on whether an Inception Day is to be held and if so whether a facilitator is to be appointed and paid for by the developer and when it should be held.
- Nomination of the Council's and Applicant's Project Team Leaders and other's responsibilities.

Inception Phase

- 22 This phase (which may include an Inception Day) is designed to achieve–
- Agreement of a shared vision and development objectives as far as possible;
 - Review of policies and identification of key technical issues including identification of differences and how these might be resolved;
 - Agreement of community involvement including member engagement and involvement of statutory agencies;
 - Development of a project plan to identify key tasks and responsibilities of project team
 - Development of work programme with target dates and milestones including project review.
- 23 The phase is concluded with the signing of the PPA by the Council, applicant and any critical consultees.

Implementation Phase

- 24 This phase includes the delivery of the work required by the work programme, regular review of the PPA project plan and includes the final review of the process.

The Form of Planning Performance Agreements

- 25 The Council, applicant and any critical consultees engaged in the PPA process will collaboratively set out and reach agreement on the following key headlines –
- Project lead for both the Council and applicant

- Vision and objectives
- Project Structure
- Consultation Strategy
- Project Issues and Task List
- Project Programme
- Decision Making Framework

26 The Council will publish a template to clarify the expected format of any PPA although the precise format will depend on the complexity and nature of each individual project.

Further Information

27 For further information on the PPA process please contact the Development Control or City Development teams by -

- Phone – (01904) 551553
- E mail – planning.enquiries@york.gov.uk