

SP9 Approval Process – March 2022

- 1.1 Policy SP9 requires Strategic Masterplans to be ‘agreed’ by the Council. The purpose of this paper is to clarify what this approval process will be in practice. This will provide the necessary clarity to landowners and developers, officers and members. This note should be read alongside the requirements of Policy SP9, the Council’s masterplanning guidance and the Terms of Reference of the Strategic Sites and Masterplanning Project Board.
- 1.2 There is no statutorily set definition of a ‘masterplan’. However, any future approval of Policy SP9 will provide a clear policy definition within the Council’s statutory Development Plan of what is expected within a masterplan and the design outcomes that should be achieved. Masterplans will generally be produced by the landowner / (prospective) applicant.
- 1.3 It is important to note that the Council will continue to exercise its statutory function as local planning authority through the existing decision-making routes and structures of the Council but with the added benefits of:
 - Clear reporting and recommendations from the Strategic Sites and Masterplanning Project Board (“the Board”) via the Lead Officer; and
 - Formal approval by Cabinet and Full Council where a masterplan is adopted as a material consideration in advance of the determination of the relevant planning application(s).
- 1.4 Large-scale development will have a significant impact on the communities they are located in so it is important that the Council, communities and stakeholders are involved in the masterplan process so they can meaningfully shape the planning and design outcomes.
- 1.5 The consideration and approval of Strategic Masterplans will not prejudice the consideration of planning matters at planning application stage. The Strategic Masterplan is a requirement of the Council set out in Policy SP9 of the local plan.
- 1.6 Any approved Strategic Masterplan will be a material consideration in the assessment and determination of any future planning applications at both officer level and at planning committee that would demonstrate how the policy requirement of Policy SP9 has been met. Masterplans will not normally be adopted as Supplementary Planning Documents (SPDs) unless agreed.
- 1.7 Policy SP9 variously requires the following

The Council require Strategic Masterplans to be produced for Strategic Housing Sites and significant development by the landowner/applicant in collaboration

with the Council and subject to consultation with key stakeholders and the community.

To ensure sites are comprehensively planned and delivered planning applications should be preceded by and consistent with a Strategic Masterplan agreed by the Council. Where applications have already been submitted to the Council a Strategic Masterplan should be agreed with the Council prior to or as part of the grant of planning permission.

In some circumstances a Strategic Masterplan may also be required to consider the cumulative impact of more than one site to support a co-ordinated and integrated approach to place-making and design

Strategic Masterplan requirements

- 1.8 There are differing masterplanning requirements for Strategic Housing Sites and significant development.
- 1.9 **Strategic Housing Sites** should meet the technical and design evidence base and documentation requirements of Policy SP9(d) **in full**. Additionally, each of the six Strategic Housing Sites have a site-specific policy (SP14-SP19) which requires a comprehensive and deliverable masterplan to be produced for the **entire allocation**. Any planning application/s should be preceded by and consistent with an agreed Strategic Masterplan.
- 1.10 Other **significant development**¹ should meet the technical and design evidence base and documentation requirements of Policy SP9(d) in a proportionate manner reflecting the size of the scheme(s) and the issues to be addressed. This will be determined on a case-by-case basis.
- 1.11 The approach to ‘cumulative impact’ masterplans will be determined having regard to the above requirements and the sites to be masterplanned in this way.

Approaches to approving masterplans

- 1.12 To ensure qualifying sites are comprehensively planned and delivered, the Council will seek the preparation of Strategic Masterplans in advance of any planning application in full accordance with Policy SP9 and the Masterplan Guidance. This is the Council’s clearly preferred approach as it is more likely to achieve a better quality of design process and masterplans as well as the early resolution of technical and design issues and engagement with stakeholders.
- 1.13 However, it is for an applicant to decide when to submit any planning application on any land and (subject to validation requirements) what documentation is submitted to support that application. The Council cannot require that an

¹ Generally comprising residential development above 100 dwellings

application is submitted at any particular time, refuse to entertain an otherwise valid application or recommend refusal on a point of process². A planning application for strategic or significant development without a pre-agreed masterplan might be submitted following a failure to agree a pre-application masterplan or without having engaged with the pre-application process.

- 1.14 Balancing this, and the need to facilitate timely delivery of much-needed housing, Policy SP9 therefore also allows for its requirements to be met by agreeing a Strategic Masterplan following the submission of a planning application and securing this either prior to or as part of the grant of planning permission.
- 1.15 Agreement of a Strategic Masterplan “...as **part of** the grant of planning permission...” will normally only be appropriate where:
- The application boundary is contiguous with (or otherwise covers the entirety of) the relevant Local Plan allocation boundaries; and /or
 - It has been agreed that the application boundary is also the most appropriate Strategic Masterplan boundary.
- 1.16 On Strategic Housing Sites, an allocation-wide Strategic Masterplan should not be agreed as part of the grant of planning permission if the planning application boundary does not include the whole of the relevant allocation(s). In this situation a Strategic Masterplan for the entire allocation should be agreed with the Council **prior to** the grant of any planning permission.
- 1.17 Another scenario where a Strategic Masterplan should not be agreed as part of the grant of planning permission is where a Strategic Masterplan is required to consider the cumulative impact of more than one site and / or take an area-based approach extending beyond the application boundary to support a co-ordinated and integrated approach to place-making and design. In these situations a Strategic Masterplan for the relevant geographical area /sites should be agreed with the Council **prior to** the grant of any planning permission.

Strategic Masterplans approved pre-application or prior to the grant of planning permission

- 1.18 These will be prepared through project-specific groups in consultation with planning officers and relevant stakeholders. The Board will consider these as per the Board’s Terms of Reference.
- 1.19 In the event
- Cabinet resolves not to recommend the approval of a Strategic Masterplan to Full Council; or

² Any recommendation must be based upon an objective, professional assessment of the planning merits and planning harms of any scheme.

- Full Council resolves not to approve any recommended Strategic Masterplan following its reporting from Project Board / Cabinet then the reasons for this decision will be documented in the meeting minutes.

1.20 The Project Board would then seek to continue to work with the landowner/developer to resolve any outstanding issues, address concerns and (re-)present any revised masterplan.

Strategic Masterplans approved as part of the grant of planning permission

1.21 Planning applications are subject to their own prescribed statutory processes, requirements and decision-making and approval processes (ultimately through Planning Control Committee). Unlike a pre-submission or pre-approval SP9 Strategic Masterplan, any masterplan approved through this route will therefore not be formally approved by Full Council prior to the application being determined³.

1.22 The Strategic Masterplan in these instances will be part of the planning application approval documentation and/or planning conditions and subject to formal assessment by the nominated case officer informed by responses from other local authority officers, statutory consultees, stakeholders and the community to inform their professional recommendation to Planning Control Committee.

1.23 In this respect formal 'agreement' will be achieved through any positive decision by Planning Control Committee on any relevant application(s). This will require the case officer to assess any material submitted to inform their professional recommendation (in terms of meeting the requirements of SP9 and the masterplan documentation requested).

1.24 The assessment of the masterplan will form one part of a rounded consideration of application against the Development Plan and any relevant material considerations⁴. Any planning harm arising from any non-compliance with Policy SP9 will be weighed in the planning balance against all other relevant factors and will not necessarily be determinative.

1.25 Progress upon, and material associated with Strategic Masterplans that will be approved as part of the grant of planning permission will be presented to the Board for information and on an advisory basis only.

³ It may be appropriate to seek approval of a masterplan by Full Council *following* its consideration by Planning Committee to ensure it can be used as a material consideration for any future proposals that are not bound by the original permission (e.g. a replacement outline or full application on whole or part of the site).

⁴ As required by Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004