

Development Control Committee 23rd April 2008
Sherford (7/49/2426/06)
Addendum Report

1. The Planning Application

Your Officers believe it would be useful to set out the following points of clarification of points of a factual nature;

1. The covering letter lodging the planning application, refers to 16,700 sqm of mixed retail accommodation. The application is in fact seeking approval for 16,740 sqm.
2. For clarification Appendix 2 "s106 Heads of Terms", is a document as drafted by your Officers to form the basis of a legal agreement with the developer.
3. The text at para.3.1 should read;
Whilst this is an outline planning application there are key aspects and features which define both the nature of the application and the type of development which is proposed and these are set out below. These are drawn from the application documents and discussions over the S106 Heads of Terms.
4. At para.3.6 of the report the 3,400 vehicle trips refers to a two way flow of both arrivals and departures.
5. At para.3.22 of the report the proposed traffic signals at King George V Playing Fields / Haye Road and at Stanborough Cross would be appropriately linked so that the HQPT bus could 'join the flow' through the former without having to stop, even with traffic volumes associated with a completed community and at the latter getting through, at worst, in the first change of the lights.
6. At para.3.37 replace with;
The Sherford AAP set a target of up to 50% affordable housing, Red Tree propose that if Housing Grant is available there should be an overall cap of 50% on the proportion of affordable housing. Of this they further propose caps of 15%, 15% and 20% should be imposed for social rented, intermediate-shared ownership and intermediate-other respectively. Alternative caps have been discussed as 16%,16% and 13% respectively to increase the level of affordable housing targeted at traditional affordable housing products (i.e social rented and shared ownership).
7. At para.3.57 the reference to the "Princes Trust" should read "The Prince's Foundation".
8. At para.3.76, the Community Park is proposed to be provided prior to the completion of the 400th dwelling.
9. In para.9.3, the final paragraph should read;
"15% Social Rented and 35% Intermediate Affordable".

2. Consultations

The following consultation responses have been received subsequent to the publication of the draft report;

(1) Plymouth City Council (response of the portfolio holder Cllr Fry);

PORTFOLIO HOLDERS RESPONSE
TO THE NEIGHBOURING PLANNING APPLICATION
PLAN REF 7_49/2426/06/0

The City Council, as the neighbouring strategic planning authority, supports the principle of the Sherford development as being consistent with the regional and The proposed Affordable Housing dwelling type mix in the planning application is now 1 bed 20%, 2 bed 45%, 3 bed 30%, 4 bed 5%.sub regional planning context. The following points are made in respect of the planning application submitted to your authority and trust that they will be considered by your Planning Committee in it's determination of 7_49/2426/06/0. (The references in brackets refer to the Plymouth City Council Committee report which is familiar to your officers):

1) It is suggested that the determination of the planning application should be subject to an acceptable assurance about the diversion and/or undergrounding of the major overhead electricity power lines by a reasonable date. (10.13)

2) The planning application should be considered mindful of PCC's views about the neighbouring application 06/02036 and the need for a joint authority S.106 with the applicants.(see attached extract of their views relating to that application)It is suggested that the following points are relevant to this SHDC application:

- The scale and nature of provision of development and the requirements as indicated in Appendix 2 (attached) within the SHDC boundary need to be secured. The required contributions to the Main Scheme Bid and to HQPT are of regional importance. The requirements are essential to adequately reflect Regional and sub regional planning policies.
- Early provision of the HQPT route through the site is required and it is suggested that S106 clauses are warranted requiring that the provision of public transport contributions to support the operation of HQPT and other bus services are in place prior to the commencement of development and that the Park and Ride site would be operational and the Main Street would be completed to adoptable standards between Deep Lane and Hays Road prior to 1st residential occupation (10.5.1).
- It is also important to consider the likely direction for future development, and it suggested that there is a need for a condition or a S106 clause indicating the need to complete an adequate link road to the western boundary of the site from the proposed High Street prior to the commencement of residential development within phase four (10.1.1)
- Whilst the development of the overall site should have its own cross-boundary identity, it is important to secure provisions for integrating the development well with the existing communities in the locality. It is suggested that walking and cycle links to the proposed Sports Hub complex and to Elburton and Plympton and to the Saltram countryside park need to be secured with tree planting within the

Registered parkland to help screen the proposed turbines and with a reasonable contribution towards the establishment of the proposed countryside park that will serve the wider area reflected within Appendix 2 attached (10.6.5).

- The proposal has the potential of being an exemplar for sustainable development. It is suggested that there should be a review of the applicants progress towards meeting the 50% on-site energy reduction target across the overall site with a requirement for remediation measures to be taken to the satisfaction of the local planning authority prior to the commencement of any residential development of phase 4 land. It is suggested that, subject to planning permission being obtained, any second turbine should be installed within phase 3 (10.3.1) and the Community Park should be completed prior to the commencement of any residential development on phase 4 land.
- The site will have local employment benefits, particularly during the construction years, and a S106 clause is required to secure implementation of a local skills training and apprenticeships scheme (10.3.2) ;-(Suggested clauses are attached -)
- It is envisaged that the development within the Plymouth area would be part of the South West neighbourhood of Sherford, and it is suggested that the proposed mixed uses are provided in phase with the provision of dwellings (10.4.3) and that a supplementary planning document and/or masterplan (Planning Brief) for the neighbourhood centre (and for the A38 business belt area) should be prepared and agreed prior to the submission of reserved matter applications for individual sites within such areas (10.4.3); and that a temporary and interim sites and land use strategy is required to demonstrate how community facilities will be provided on a temporary basis to serve the new residents ahead of the permanent provision (10.5.3)
- It may be some time before an effective Community Trust is established and it is considered that prior to the commencement of any residential development of phase 3 land, the agreement of the local planning authorities is required on the future ownership, on-going management and maintenance of the community buildings and assets , and until that time the responsibility should be retained with the Estate Management Company unless otherwise agreed by the local planning authority (10.10.1)
- Affordable Housing nomination arrangements need to be agreed.

SHERFORD –PLANNING APPLICATION 06/02036
S106 Implications

- 1) The applicants gave an assurance of PCC not having to meet the difference in funding the Sports Hub (the 66% issue) as explained in the Committee report
- 2) The completion of a joint authority S106 with the applicants needs to be based on the scale and nature of provision and the requirements as indicated in Appendix 2 and detailed in the Committee report including the requirements specified for Affordable Housing, Lifetime Homes, Sports Hub and recreation facilities, walking/cycle/public transport links, community facility links and MSB contributions and requirements for securing future monitoring, maintenance and management and a sound framework for promoting the submission of quality/sustainable development as part of subsequent reserved matter submissions.(See below) These requirements are essential to adequately reflect Regional planning policies ,the PCC Core Strategy and NPAAP planning policies and proposals as indicated in this report.
- 3) A joint S.106 with the applicants should include the following requirements:
 - The scale and nature of provision of development within the PCC boundary and the requirements being as indicated in Appendix 2 and as detailed in Document 2 and this Committee report,
 - The provision as proposed of 30% (96) Affordable Housing,(with 15% social and 15% shared equity and dwelling type mix 1 bed 20%, 2 bed 45%, 3 bed 30%, 4 bed 5%) and 20% (64) Lifetime Homes, all provided to at least the equivalent Code as the present EcoHomes 'excellent' standard.
 - The provision of the Sports Hub and sports facilities without a requirement for a contribution from PCC -otherwise as Appendix 2 (10.8.7), with a commitment to at least BREEAM Excellent for the Sports hub with additional energy efficient technology including application of small scale renewables e.g. micro CHP etc for the pool (10.3.3) . The charging, access, initial running and operational arrangements of this centre should be agreed prior to commencement of any residential development of the application site.
 - The provision of contributions for walking/cycle/public transport links, community facility links as specified in Appendix 2 and Document 2 with a requirement that if contributions to off-site links are not spent within 10 years of development commencing then the amount allocated should be transferred to the Community Trust for walking/cycling enhancement initiatives unless otherwise agreed in writing by the local planning authority (10.1.8);provision for any Bullers/Plympton Hill bus gate that is installed in the initial years of development, to be removed if deemed to be no longer required.(10.1.10); provision of a HQPT service stop adjacent to the Sports Hub by the applicants if there is a demonstrable need prior to commencement of residential development of phase 3 land (10.2.3);
 - requirements for securing future monitoring, maintenance and management (as in Appendix 2B and Document 2) and land should be made available for the allotment site prior to the completion of the 300 dwellings within the application site (10.9.2)

- All planning applications pursuant to the outline permission should be reserved matter applications to limit the possibility of planning applications for unrelated piecemeal development outside the framework of the outline permission (exceptions defined –such as temporary buildings) (10.4.4)
- The Town Code framework for assisting reserved matter submissions (10.4.1) but the clause suggested by the applicants that there should be a presumption in favour of reserved matter applications that are supported by the Review Panel should not be accepted (10.4.4);

SHERFORD - SUGGESTED S106 EMPLOYMENT / TRAINING SCHEMES CLAUSES

1) The applicants will facilitate skills training in specialist construction areas in local training centres in the City and the District in accordance with a scheme of implementation and monitoring having the prior written approval of the local planning authority prior to the commencement of development.

The scheme will indicate the extent to which the applicants will use reasonable endeavours to ensure that all contractors employed in the construction of the approved development and any sub-contractors have a requirement in their contracts that they will operate an apprenticeship training scheme during the construction period for the life of their contracts or a minimum of 10 years. This apprenticeship scheme will normally be in association with Plymouth City Council, the Construction Industry Training Board, and Constructive Plymouth and, unless otherwise agreed by the local planning authority, recruitment should be through BOSS at the City College or South Devon College.

The scheme will indicate the extent to which the applicants will use reasonable endeavours to ensure that all contractors employed in the construction of the approved residential development and any sub-contractors each employs a minimum of 2 building trainees under the age of 25 from the administrative areas of Plymouth City Council and South Hams District Council; this applies to construction work within any phase of development that involves them (as indicated on the approved phasing plan). The training shall be to a minimum of NVQ Level 2 or equivalent.

2) The applicants will facilitate assistance to migrant workers in accordance with a scheme of implementation and monitoring having the prior written approval of the local planning authority prior to the commencement of development.

3) Records shall be kept to monitor the success of these schemes to the satisfaction of the local planning authority; these shall be reviewed prior to the commencement of the residential development of each phase.

(2) Plymouth City Council Planning Committee recommendation as agreed;

Approve subject to the following:

- (1) The receipt of acceptable amended Main Street drawings that reflect the concerns listed in this report (19 points in section 10.12.6 of the report) and**
- (2) The receipt of an acceptable assurance about the diversion and/or undergrounding of the major overhead electricity power lines (as referred to in section 10.13 of the report) within 3 months (or report back on the situation) and**
- (3) The Highways Agency lifting its Direction (see section 6.5 of this report) and the consideration of any revised views / suggested conditions at the Planning Committee meeting and**
- (4) The completion of a joint authority S106 with the applicants based on the scale and nature of provision and the requirements as indicated in Appendix 2 and detailed in this Committee report including the requirements specified for Affordable Housing, Lifetime Homes, Sports Hub and recreation facilities, walking/cycle/public transport links, community facility links and MSB contributions and requirements for securing future monitoring, maintenance and management and a sound framework for promoting the submission of quality/sustainable development as part of subsequent reserved matter submissions. These requirements are essential to adequately reflect Regional planning policies, the PCC Core Strategy and NPAAP planning policies and proposals as indicated in this report and**
- (5) PCC not having to meet the difference in funding the Sports Hub (the 66% issue) as explained in the Committee report (see 10.8.7)**
- (6) The planning conditions (as outlined in Appendix 3 of the report)**
- (7) If our requirements are not being met, the Head of Development Management to report back within 8 months if there is a need for the Committee decision to be reviewed.**

The PCC Committee noted Red Tree's assurance about the Local Planning Authority not having to meet the difference in funding the Sports Hub.

(3) The following additional representations need to be taken into account;

1. Limosa Farm;

The full response to the planning application is available to view on the South Hams District Council planning website; the representation is primarily concerned about the impact that the development would have on the vitality and biodiversity of the Yealm Estuary and designated shellfish waters, and the robustness of the Environmental Statement.

No amended views have been received following receipt of the addendum material.

2. SHARD and Elburton Residents Association

The applicants point out that a document has been presented to Red Tree at a Community Steering Group meeting by SHARD and the Elburton Residents Association representing a desire to leave Sherford Road open to traffic but seeking to reduce the attractiveness of this Road through a number of measures on the existing highway and within the development itself.

(4) Representations

It should be noted that the level of public representation made on this application, given the scale of the proposal, is extremely low. However, Officers consider that this is testament to the level of community engagement undertaken since the project was first mooted and highlights the successes of Enquiry by Design and public participation in the LDF process.

Responses to all representations made by the public and by consultees have been considered by topic base throughout the analysis sections.

3. Analysis

a) The following points need including within the Analysis section;

1. At the Traffic and Transport section starting at para.9.26, the applicants are concerned about the criticism of *their Transport Assessment (TA)* and have requested that their concern is recorded that, in their view, the TIE assessment of their TA does not a) make it clear that the TA is an assessment of end state worst case, b) accurately reflect the improvements proposed in mitigation, or c) make it clear that not one of the highway authorities or their consultants have been able to prove a technical flaw in our the TA. They state that: "Our TA, and the VISSIM model that was produced to support it, has shown that all junctions impacted by Sherford will continue to operate within accepted performance boundaries at the completion of the 5,500th dwelling".
2. At para.9.56, the applicants do propose a 'Community Reuse and Repair centre, but do not propose the provision of a recycling centre, instead offering a contribution towards recycling facilities in Ivybridge via the S106. This is contrary to the requirements of Devon County Council and the Local Planning Authorities.
3. At para.9.59 the applicants have pointed out that they have not agreed to switch to the Code for Sustainable Homes from the 701st dwelling, but rather that they aspire to do so.
4. At para.9.100 the applicants wish to clarify their provision regarding the 'presumption in favour' clause as their proposal states "*In the event that any Reserved Matters Application is submitted that is a) accompanied by an approved Detailed Design Code; and b) complies with the Detailed Design Code relating to that Development Phase then there shall be a presumption in favour of the approval (not however to the extent that such presumption in any way fetters the statutory decision making of the local planning authority) by the local planning authority of that Reserved Matters Application.*"
5. At para.9.125 the furthest wind turbine to Higher Hareston Farm is to be located approximately 1km away. The closer of the two is to be located approximately 0.6km from the farm.
6. At para.9.140, sub paragraph e) the cross reference should be to para.9.141.
7. At para.9.142, the mini-cinema is 100sqm not 740sqm.
8. At para.9.150 and para.9.151 the detail of the establishment of the Community Trust and its inter-relationship with the Estate Management Company will be a matter for further ongoing discussion.
9. At para.9.164 Highway Authority representatives will be present to clarify phasing requirements.

4. Additional Recommendation

- a) The resolution to grant Outline Planning Permission also be subject (at 1.i in the Recommendation) to the provision of land and contribution to a Civic Amenity and Recycling Centre to serve Sherford; and to the additional/amended clauses and conditions set out below. .

5. Appendix 2 – Draft s106 Heads of Terms

- a) The following clauses to be added;
 - 1. E.6a.
To provide prior to the commencement of development a Media and Communications Strategy that shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall set out the precise purpose and content of the proposed interactive services and specify how the service will be managed and maintained.
 - 2. ED.13
Replace “£15,633,06” with “£15,633,061”

6. Appendix 3 – Draft Conditions

- a) Condition 56 is no longer required providing that other obligations and conditions are met.
- b) Condition 20 requires the threshold to be changed from 2300 to 4000 dwellings in respect to the provision of the second wind turbine.
- c) The following conditions to be added;
 - 1. No development shall commence on any part of the development hereby permitted until a Temporary Land use Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall demonstrate how community facilities will be provided on a temporary basis ahead of the permanent provision of services throughout the community and shall also outline how land outside of the construction area will be managed so as not to fall redundant or derelict. The development shall only proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority;
 - 2. Prior to the commencement of any development a Clustering and Distribution Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall set out how Affordable Housing will be distributed throughout the development on the basis that no more than 16 houses or 32 flats would be Social Rented in any block. Applications for Reserved Matters approval shall demonstrate compliance with the approved strategy;
 - 3. Prior to the commencement of development, an Earthworks Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall ensure that the cut-and-fill operations achieve a balance within the site, so that there is not a net import or export of soil. The development shall only proceed in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority;
 - 4. A Minerals Buffer Zone is to be provided on the eastern boundary of the development in the general location identified on the Key Fixes diagram. Prior to the commencement of the development the precise boundary of the Buffer Zone shall have been delineated on a plan submitted to and approved in writing by the Local Planning Authority. No development shall be located within the Buffer Zone unless otherwise agreed in writing by the Local Planning Authority.

5. The development hereby approved shall include provision for a dedicated link road to the western boundary of the site leading from the High Street. Prior to the commencement of the development of the first Reserved Matters application, the link road shall be delineated on a plan to be submitted to and approved in writing by the Local Planning Authority. No development shall occur within the area delineated for the link road unless alternative provision is made and agreed in writing by the Local Planning Authority.
6. All Reserved Matters applications shall robustly comply with the principles of the Masterplan contained therein and each application shall demonstrate how the principles of have been rigorously applied.

7. Attached: Schedule of strategies and implementation plans;

| Strategy Title | Topic | Purpose | Trigger |
|--------------------------------------|-----------------------|--|---|
| Clustering and Distribution Strategy | Housing | To define the clustering and distribution of Affordable Housing throughout individual blocks across the development. | Prior to commencement of development. |
| Travel Plan Strategy | Transport | To define mechanisms and incentives to reduce private car travel and assist in the delivery of the TA. | Prior to commencement of development. |
| Car Parking Strategy | Transport | To demonstrate how car parking across the development will be provided to standard exceeding PPG13 guidelines. | Prior to commencement of development. |
| Energy Strategy (Implementation) | Sustainable Community | To set out how the Energy Strategy will be implemented so that monitoring can take place to ensure that the Strategy is exceeding. | Prior to commencement of development. |
| Media and Communications Strategy | Sustainable Community | To outline the content and maintenance regime of the interactive services to be provided. | Prior to commencement of development. |
| Health Codes | Sustainable Community | Codes set out in the HIA that can be used as a checklist against Design Codes/ Reserved Matters. | Submitted with Reserved Matters applications. |
| Generic CEMP | Sustainable Community | General measures to ensure environmental best practice is adhered to during construction. | Prior to commencement of development. |

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| Site Specific CEMP | Sustainable Community | Site specific construction plan to ensure that the environment is safeguarded during construction. | Prior to commencement of Reserved Matters site. |
| Earthworks Strategy | Sustainable Community | To ensure that the minimum amount of top soil is wasted so that it can be used within the site. | <i>To be discussed</i> |
| Noise Mitigation Strategy | Sustainable Community | Sets out measures to ensure that noise levels within building envelopes meets prescribed levels. | Submitted with Reserved Matters applications/prior to commencement of development of Reserved Matters site. |
| Noise Impact Assessment | Sustainable Community | Assess the potential impact of noise associated with particular B2 uses. | Prior to commencement of B2 uses. |
| Wind Turbine Monitoring Scheme | Sustainable Community | To monitor noise emissions from the wind turbines. | Prior to operation of any Wind Turbine. |
| Planning Brief | Sustainable Community | Sets out the types and mix of land uses within neighbourhood centres. Supplementary to Design Codes and allows proper assessment of amenity issues of residential units within town centre locations. | As part of Design Codes for Town/ Neighbourhood Centre. |
| Public Art and Culture Strategy | Sustainable Community | Sets out the strategy for providing public art throughout the development. | Prior to commencement of development. |
| Cultural Development Strategy | Sustainable Community | As above. | As above. |
| Temporary Land-uses Strategy | Sustainable Community | Sets out how community facilities will be provided temporarily ahead of permanent provision. Also manages redundant land outside development area. | <i>To be discussed.</i> |

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| Biodiversity Protection and Enhancement Monitoring Strategy | Biodiversity | Monitors success of biodiversity mitigation measures. | Prior to commencement of any Reserved Matters site. |
| Archaeology | Biodiversity | Sets out measures to record archaeological remains. | Prior to commencement of development. |
| Air Quality Monitoring | Biodiversity | Sets out measures of monitoring air quality. | Prior to commencement of development. |
| Contamination | Biodiversity | Sets out measures to ensure development is safeguarded against existing contaminated land. | Prior to commencement of each Reserved Matters site. |
| Public Space, Landscaping and Biodiversity Implementation Plan | Landscaping | Sets out provision of landscaping and wildlife mitigation that requires early implementation ahead of Reserved Matters submissions. | Prior to commencement of development. |
| Community Trust Scheme | Community Management | Sets out the proposed arrangements for the CT. | Prior to commencement of each dwelling. |
| Scheme of Community Access | Community Management | As above. | Prior to commencement of each dwelling. |
| Surface Water Management Scheme | Community Management | Sets out detailed measures for managing surface water run-off to protect down stream water courses. | Prior to commencement of any Reserved Matters site. |
| Foul Drainage | Community Management | Sets out detailed measures to ensure site has proper sewage and does not pollute down stream waters. | Prior to commencement of development. |
| Detailed Phasing Plan | Miscellaneous | Sets out detailed phasing of Reserved Matters sites. | Prior to commencement of any Reserved Matters site. |
| Sign Strategy | Miscellaneous | Sets out proposals for erecting signs within the development so to avoid unnecessary cluttering associated with signs. | Prior to first residential occupation. |