

**MINUTES OF THE MEETING OF THE DEVELOPMENT CONTROL COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES, ON WEDNESDAY, 23 APRIL 2008**

**MEMBERS**

\* Cllr G J Fielden - Chairman

\* Cllr I Longrigg - Vice-Chairman

∅ Cllr N A Barnes	* Cllr D W May
∅ Cllr H D Bastone	* Cllr D M O'Callaghan
* Cllr J Brazil	* Cllr J T Pennington
∅ Cllr B F Cane	* Cllr R Rowe
* Cllr R J Carter	* Cllr J W Squire
* Cllr S E Cooper	* Cllr R C Steer
∅ Cllr P Coulson	* Cllr R J Vint
* Cllr J D Hawkins	* Cllr A Ward
* Cllr M J Hicks	* Cllr J A Westacott
∅ Cllr P W Hitchins	

\* Denotes attendance

∅ Denotes apologies for absence

Officers in attendance for all agenda items:

Strategic Director (Communities), Head of Planning and Building Control, Head of Community Regeneration, Major Developments and Projects Officer, Area Planning Officer (Eastern Area), Landscape and Recreation Manager, Affordable Housing Manager, Solicitor, Public Relations Assistant and Senior Member Support Officer.

Plymouth City Council representatives – Paul Barnard, Alan Hartridge, Phil Heseltine and Clive Perkins

Devon County Representative – Malcolm West

Also in attendance but not participating:

Cllrs K J Baldry, J H Baverstock and M F Saltern

**DC.65/07 MINUTES**

The minutes of the meeting of the Committee held on 16 April 2008 were confirmed as a correct record and signed by the Chairman.

**DC.66/07 DECLARATIONS OF INTEREST**

Members and officers were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllrs G J Fielden, D W May and R C Steer declared a personal interest in item 6; “Application 7/49/2426/06 – Sherford New Community, Land South/South West of A38 Deep Lane and East of Haye Road Elburton Plymouth” (minute DC.68/07 below refers) by virtue of their acquaintance with a number of the land owners for the application site and remained in the meeting and took part in the debate and vote thereon.

Cllr J W Squire wished for it to be noted that whilst he had frequently expressed views of his own and on behalf of his electorate as to the principle of there being such a development, he had yet to make a determination on the application. He therefore approached the meeting with an open mind, was prepared to listen to all arguments and consider the application on its own merits prior to reaching a view.

#### DC.67/07 **PUBLIC PARTICIPATION**

The Chairman announced that the following members of the public had registered their wish to speak at the meeting:-

- 7/49/2426/06 – Objector; Mr Melia – Supporter; Mr Jones  
“Sherford New Community” Land South/South West of A38 Deep Lane and East of Haye Road Elburton Plymouth;

#### DC.68/07 **APPLICATION 7/49/2426/06 – SHERFORD NEW COMMUNITY, LAND SOUTH/SOUTH WEST OF A38 DEEP LANE AND EAST OF HAYE ROAD ELBURTON PLYMOUTH**

Members considered an outline application for the provision of a development for up to 5,500 new dwellings; up to 67,700 square metres of business and commercial space; up to 16,740 square metres of mixed retail accommodation, community and open space facilities; three primary schools and one secondary school; health care centre; community park; two community wind turbines; park and ride interchange at Deep Lane, together with details of the Main Street link between Deep Lane junction and Stanborough Cross. The report sought to resolve granting the outlining permission subject to receipt of additional information, imposition of conditions and agreement of a Section 106 Agreement (as laid out in the presented report and its addendum).

With the aide of a power point presentation the Head of Planning and Building Control, in correlation with the Major Developments and Projects Officer, detailed the outline application. Officers proceeded to outline the vision which sought to meet the housing needs of the sub-region in a mixed use sustainable development. It was felt that responding to the challenges of climate change was important to consider in such a development along with incorporating the high quality public transport service. Furthermore, high quality locally distinctive design and high quality public spaces were also highlighted as key aspects of the development.

The application was submitted in response to the preparation of strategic policies by both South Hams District Council and Plymouth City Council, which identified the site for an urban extension of Plymouth. Subsequently these policies formed part of the Development Plan. The Sherford and North Plymstock Area Action Plan set out the detailed requirements for an “Exemplar” new community. Moreover, the application was broadly in conformity with the Area Action Plan (AAP) Policies.

In presenting the various aspects of the outline application, reference was made to:-

- i. the scale and pace of the development. If Members were minded to approve the outline application, then it was anticipated that by 2016, 4,000 houses would be completed (for approximately 8,500 residents) and by 2022, 5,500 houses be completed (for approximately 12,000 residents);
- ii. the Council’s AAP proposals. Officers noted the AAP proposals which incorporated up to 50% affordable housing, walkable neighbourhoods, design codes, mixed land usage, community facilities and strategic transport links;
- iii. Red Tree’s proposals. The developer’s, Red Tree, proposal outlined 36.5% of affordable housing would be supplied without any grant subsidy. It was anticipated that up to 50% could be secured with additional Housing Corporation grant funding;
- iv. housing. Members were reminded that following the AAP Inquiry, the Inspector changed the affordable housing target to state that a target of 50% affordable housing was **sought**, and not “**required**” as the Council originally set out. Officers then proceeded to detail the different dwelling tenure proposed, noting the percentage which could be achieved without grant funding and that which was desired with grant funding. Moreover, a breakdown of housing sizes was also identified;
- v. sustainability. The intention to reduce the impact of Sherford on conditions causing Climate Change by substantially reducing its carbon footprint was highlighted. To address this, proposals included Ecohomes and BREEAM ratings of excellence, challenging carbon reduction targets with the requirement to be carbon neutral by 2016 and major renewable energy generation by Community Wind Turbines. The Code for Sustainable Homes (CSH) both in terms of energy and water was noted with the levels identified for what was anticipated for Sherford, and how these code ratings would improve throughout the development of the community;
- vi. transport systems. Officers proceeded to outline the major scheme bid for transport which incorporated proposals for a new Deep Lane Junction, a park and ride system at Deep Lane Junction and a high quality public transport system;

- vii. the design and architectural style. An artist's impression of how the proposed town centre would look was shown to Members with reference made to the traditional market town approach. It was noted that key buildings were to be designed by leading architects and that Design Codes were to be used for the remainder of the development to ensure consistent quality;
- viii. the preservation of bats. Members were reminded that bats were a protected species, with rare species roosting within the application site. Detailed mitigation arrangements had been submitted in the outline application for which Natural England had expressed its support;
- ix. the proposed Wind Turbines. Members were informed that English Heritage accepted the proposed location of the Wind Turbines being in close proximity to a Listed Building, subject to mitigation measures entailing advanced planting for screening purposes.

Throughout the presentation, officers also highlighted questions which Members may wish to consider in their deliberations. These were noted as follows with officer response included:-

- *Does the proposal align sufficiently with Development Plan Policy, so that support in principle can be given to this application?*

Officers felt that there was good alignment between the strategic policies set for Sherford and the general principles set out in this application;

- *Does the offer of 36.5% affordable housing provided without HC Grant, together with the reasonable prospect of achieving around 45% with Grant, come close enough to the Council's aspirations of achieving 50% and deliver much needed housing in the District?*

Officers felt that the difference between 45% and 50% represented about 23 affordable units per year, but if 206 units were being delivered per year at 45% then this shortfall would be bearable if it meant a viable development would be achieved at Sherford. Moreover, the level of affordable housing achieved would still be well above that secured in comparable developments;

- *Do wider sustainability credentials of a town designed in a comprehensive manner on a clear carbon cutting agenda outweigh criticism for not delivering carbon neutrality in housing construction quickly enough?*

Officers felt that the level equivalent to above CSH level 3 was a good baseline position. The move to CSH would ensure benchmark levels were reached in all criteria and the commitment to research, develop and review would ensure continual progress. Furthermore, rising building regulations and housing corporation requirements would raise standards overall in addition to the other sustainability elements delivered by the proposal. Finally, the

applicant's sustainability proposals aligned with the adopted AAP policies;

- *Are Members in agreement with the general arrangements proposed to provide necessary transport infrastructure? Specifically, is the intention to monitor and manage traffic flows predicted in the Transport Assessment as a trigger to expenditure at Deep Lane Junction appropriate, are the measures proposed in the Major Scheme Bid sufficient, and is the contribution by Red Tree appropriate?*

Officers advised that funding for the major transport infrastructure had only recently become available. The figures were substantial and Red Tree was naturally resistant to paying more than they considered appropriate. It was noted that further negotiations were continuing. Members were also informed that completion of the Main Street was required prior to occupation of the first dwelling to ensure the high quality public transport system was in place;

- *Does the Town and Design Codes and Masterplan provide the sort of quality of place that makes the development good enough to approve and are the arrangements for a Sherford Review Panel supported?*

Officers responded by stating that the Design Codes ensured a good benchmark for quality in mass house building. Codes also allowed for a blend of the contemporary and vernacular styles. It was also felt that a review panel would assist in elevating the standard of design presented in Reserved Matters applications;

- *Does the general requirement that there be a series of issue based strategies to deal with the detailed matters provide sufficient confidence in Members that their aspirations for Sherford will be met?*

Officers noted that an outline application did not deal with detailed considerations. However, the information within the masterplan provided a reasonable starting point for discussions;

- *Are the means of dealing with the sewage capacity reasonable?*

South West Water had a statutory duty to provide sewage capacity for Sherford. Whilst officers preferred there to be a certainty about the location of a new sewage works, there was a general agreement between Red Tree, South West Water and the Environment Agency that an acceptable solution existed amongst the options being considered and that the matter could be dealt with through a "Grampian" style condition;

- *Are Members satisfied that all that can be reasonably secured through a Section 106 Agreement has been achieved within the limits of a viable scheme?*

Officers felt that negotiations had been hampered as Red Tree had not publicly disclosed its position to the Council. As a result Heads of Terms had been proposed, which had not been agreed with Red Tree, but represented demands which allowed the development to be viable according to the consultants' conclusions. Red Tree had disputed the conclusions of the Council's consultants and there was a need to compare assumptions which had informed the viability appraisals. It was proposed that if there was a need to significantly review the Head of Terms, then officers would report the application back to the Development Control Committee for its consideration.

Prior to the Committee hearing representations from both a supporter and an objector to the outline application, Members' attention was drawn to the addendum to the report (published after the initial officers report) where officers clarified a number of points.

At this point, an objector and supporter utilised their opportunity to address the committee in accordance with the Council's Public Participation Scheme.

Members then proceeded to discuss the outline application. During discussion, particular reference was made to:-

- a) Members' appreciation of the comprehensive presentation given by officers;
- b) concern that this outline application was premature. A Member raised concern that due to a number of important issues remaining unresolved at this time, he felt that there was not sufficient clarity for the Committee to make an informed decision. Moreover, concern was highlighted in relation to Red Tree not offering an 'open book' policy during its discussions with the Council. In response, the Head of Planning and Building Control noted that in relation to concerns that the application was premature, a question of balance needed to be applied to ensure there was progress to the scheme. There had been previous delays in presenting this application to Committee and officers were now confident that an informed determination could be made. In relation to Red Tree operating under a 'closed book', it was noted that this had made negotiations difficult but as previously noted, the Council had confidence in its consultants' conclusions;
- c) the housing aspect of the application. A Member queried whether he was correct in thinking that Red Tree had originally had an 'open book' policy and, furthermore, had proposed 50% affordable housing. In response, it was noted that Red Tree had been contractually prevented from operating in an open manner once the Section 106 negotiations had commenced. In relation to offering 50% affordable housing, Members were reminded that during the examination process for the AAP, the inspectorate determined that a 50% target be sought rather than required. It was hoped that around 45% could be achieved with grant funding from the Housing Corporation. Although accepting of this, the Member was

uncomfortable that the 50% affordable housing target would not be met by Red Tree and felt that their 'closed' approach to negotiations was working to its advantage. Officers then noted that it was important to address the viability package as a whole, and increasing affordable housing contributions from Red Tree could lead to a detrimental impact on other important areas such as the transport system;

- d) the proposed High Quality Public Transport system. Members raised concern that Sherford was promoting increased use of the private car through this transport system. It was felt that it would create 'hot spots' in the town and 'rat runs' for the neighbouring villages to access the A38. Moreover, a Member questioned why there was no cycle route through the Main Street. In response, officers reminded Members that the principles for the transport system had been adopted in the AAP. A development of this size required a substantive and complex transport system to which the developers required additional funding. Plymouth City Council was seeking to match fund the developers for the transport aspect for the eastern side of Plymouth, with a business case therefore being developed to help access additional funding. Possible congestion 'hot spots' would be addressed along with improvements to bus routes. Moreover, Members were reminded that necessary improvement to Deep Lane Junction could not be carried out without contributions from the Sherford development.

In relation to cycle routes, it was noted that cycling was being encouraged on the quieter streets around the Main Street. It was important to promote the Main Street as being pedestrian friendly. Further discussions regarding the Main Street were pending with Red Tree. In response to a Member query regarding the shared space in the Main Street officers advised that, in not confining pedestrians through barriers along the sides of the road, accessibility was increased. In addition, a deterrent was created for drivers to speed excessively in this area as there would be more uncertainty as to the dangers surrounding the street;

- e) sustainable construction. A Member was concerned that the proposed codes for sustainable homes in relation to energy efficiency and heating were not sufficient and that standards should be set inline with the draft South West Regional Spatial Strategy (RSS). He suggested that a level 5 be achieved in phase 1 (to 700 dwellings or 2010). In response it was noted that the Sherford AAP was ahead of the game in terms of carbon reduction figures. Over the construction process of Sherford, an accelerated phased approach would be adopted to ensure that by 2016 full compliance with level 6 be achieved which noted 'zero carbon homes'. An increase to level 5 in phase 1 could result in further incurred costs which could have a detrimental impact on other areas in the Sherford development. However, the Member was minded to **PROPOSE** the following addition to the recommendation (however, the motion was not seconded and was therefore not voted upon):-

'That phase 1 of the development incorporate a minimum level 5 for the Code for Sustainable Homes.'

However, officers did advise that compliance with the Code for Sustainable Homes would be monitored.

- f) the design element of the application. Members agreed that as this was an outline application, discussions on the design elements would be deferred for when detailed applications were received;
- g) the foul drainage system. Members were concerned that this element had yet to be resolved. Although understanding, officers advised that South West Water understood its statutory responsibility;
- h) Heritage assets in relation to the proposed wind turbines. A Member commented on the position of the proposed wind turbines in relation to a Listed Building. Although appreciating the suggested planting to act as a screen between the turbines and the property, he felt strongly that the location of the proposed turbines would have a detrimental impact. It was also questioned whether the turbines were vital to the development when there was already a power station in close proximity and, if it was deemed necessary, could the turbines be repositioned. In response, it was noted that the turbines were essential to meeting the carbon reduction element of the community. Mitigating the impact of the two turbines in this location had been outlined through landscaping and therefore the historic features need not be adversely affected by the proposal. The installation of the turbines was not being proposed until 2016 giving sufficient time to implement suitable screening.

Following discussion on the various aspects of the outline application, a Member was still concerned that there seemed to be too many outstanding issues for officers to resolve. Officers highlighted recommendation 2; 'that authority be delegated to the Head of Planning and Building Control to issue the consent, subject to the completion of a satisfactory planning agreement, the imposition of appropriate planning conditions, and the resolution of all outstanding information, following consultation with the Chairman and Vice Chairman of the Development Control Committee'. To overcome concerns, the Head of Planning and Building Control also suggested incorporating the local Ward Member, who was in attendance at this meeting, in to the consultation process. However, the local Ward Member was of the strong opinion that such issues should be brought back to the Committee for its consideration and determination. In response, the Chairman assured Members that any discrepancies in the outstanding issues would be presented back to the Committee for further consideration.

During these discussions, the following motion was **PROPOSED**:-

‘That in respect of planning application 7/49/2426/06 outline planning permission be refused due to insufficient affordable housing levels, failure to adhere to policy SNC7 as identified in the Sherford AAP and the application being prematurely presented to Members for determination.’

In response, Officers were of the strong opinion that Members were in possession of all the necessary facts in order for an informed decision to be made. The proposed motion was subsequently not seconded and therefore not voted upon.

Subsequently a motion for conditional approval was **PROPOSED** and **SECONDED**. However, prior to a vote being taken a Member **PROPOSED** an amendment to the recommendation that the application be deferred for the outstanding issues to be resolved and presented back to the Committee for consideration. This amendment to the motion was subsequently **SECONDED** but on being put to the vote was declared **LOST**.

It was then:-

### **RESOLVED**

- 1) That in respect of planning application 7/49/2426/06 outline planning permission be conditionally approved, subject to;
  - i) Resolution of the following outstanding issues:-
    - Confirmation of Housing Corporation’s position on providing Grant to supplement Red Tree’s 36.5% offer;
    - Deletion of any reference to caps in the overall levels of affordable housing or on social rented and shared equity housing, so that a 45% minimum level is achieved with HC grant;
    - The phasing of the Main Street, so that it is available from the first occupation;
    - The commencement of the subsidised HQPT service;
    - Developer contribution to the Major Scheme Bid;
    - Developer contribution to the operational costs of the HQPT;
    - Contribution to busing of pupils to secondary school to be clarified;
    - Contribution to NCN2;
    - Scale of contribution to staffing of Community Trust to be finalised;
    - Resolution of the precise requirements for the Youth Centre;

- Resolution of means and costs of collection, display and recording of archaeological artefacts;
  - Scale of contribution to offsite strategic tree planting;
  - Scale of contribution to SAC and SPA Management;
  - Omission of requirement for contribution to planning officer support to be reduced by planning fees;
  - The monitoring of performance against sustainability targets to be appraised by BRE review;
  - Scale of contribution to costs falling on Brixton Parish Council to be agreed;
  - Scale of costs involved with monitoring of S.106 Agreement to be resolved;
  - Number and extent of Review Stages;
  - Agreement to relinquishing the quarrying rights at Sherford quarry;
  - Resolution of satisfactory noise standards to secure a reasonable level of residential amenity;
  - Provision of Extra Care Housing;
  - Provision of land and contribution to a Civic Amenity and Recycling Centre to serve Sherford.
- ii) Completion of a joint Section 106 Agreement covering the Heads of Terms as set out in appendix 2 (of the presented report and as amended in the addendum) and supplemented by the outcome of negotiations on the above issues;
- iii) Satisfactory resolution of necessary planning conditions, based on the conditions outlined in appendix 3 (of the presented report and as amended in the addendum) but amended and added to as required to comply with planning policy;
- iv) The receipt of satisfactorily amended plans of the main street;
- v) The receipt of an acceptable assurance about the diversion and/or under grounding of the major overhead electricity power lines;
- vi) The lifting of the current Direction imposed by the Highway Agency;

**2) That authority be delegated to the Head of Planning and Building Control to issue the consent, subject to the completion of a satisfactory planning agreement, the imposition of appropriate planning conditions, and the resolution of all outstanding information, following consultation with the Chairman and Vice Chairman of the Development Control Committee and the local Ward Member who was present at the meeting of 23 April 2008.**

(Meeting commenced at 2.00 pm and concluded at 5.40 pm).

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Chairman