

NDDC Planning Committee 26 February 2019

Consolidated Addendum / Updates (dated 25 February 2019)

AGENDA ITEMS 4 & 5 - 2/2018/00077/OUT - Land at Park Fm Kingsmead Business Park Gillingham & 2/2018/00036/OUT – West of Shaftesbury Rd at Land South of Gillingham

Correspondence from Consortium 25 February 2019:

On behalf of both applicants we are extremely disappointed at the position currently being taken by the local planning authority. Given this position both parties have no choice other than to seek deferral of both applications in their respective allotted public speaking slots at the Committee. In broad terms the reasons on which deferral will be sought are as follows:

1. In respect of both applications there are very significant unresolved matters relating to the viability appraisal which in turn impact on affordable housing provision both in terms of the proposed minimum provision of 15% within Phase 1 (which is unacceptable to both parties) and future phase provision based on an as yet unresolved review mechanism. Having clarity over this mechanism is pivotal to our understanding of the implications of the 15% threshold sought by the Council. Neither party would be willing to enter into a s106 Agreement on the terms presented in the Committee report (notwithstanding the errata already raised with you) such that any resolution on this basis would be quite frankly worthless as neither application would be implemented putting the HE funding that has been secured at risk.
2. This position is not only unacceptable to the applicants, but also to the respective landowners.
3. In respect of Welbeck Land's application there are ongoing objections from both the EA and LLFRA. There is a lot of uncertainty as to how these can be resolved and we are concerned at the viability implications of this and also the potential grounds of challenge if a decision is proceeded at this time.
4. There is currently significant uncertainty over costs associated with infrastructure delivery and in particular how the required services can be brought under the railway line and river. Greater certainty on the solution for this and associated costings is required in order to properly factor this into the viability appraisal.
5. The recent change by Homes England in terms of funding conditions i.e. loan rather than grant, has not yet been properly factored into the viability appraisal. Furthermore, we have not yet modelled the HiF loan at £6.3m (as recently increased from £4m), nor do we understand any interest repayments that may be sought by the Council.

It is both applicants firm position that deferral for one month would afford all parties sufficient time to make the necessary progress on all the above matters such that the application could be reported to Members from a properly informed position. If the March Committee agenda is congested, it would be possible to arrange a special Committee meeting to consider the applications.

As you note this is the Councils largest strategic housing allocation and its timely delivery is critical. It is therefore wholly appropriate that both applications are deferred for one month so that the Council can be asked to make a properly informed decision.

In the event that deferral is not agreed, the applicants will have no option but to consider withdrawal of the applications immediately after Committee.

Your Officers' response/observations:

We see no merit in a deferment merely to prolong debate further on viability matters. Notably the negotiating gap is actually only 4% i.e. Consortium's stated position 11% and Officers' recommendation 15%. We consider this to be a defensible position on the evidence to date. Consequently we are content that the Consortium use its opportunity for rebuttal for seeking a deferment when it comes to public speaking on the day of committee. It will then be a matter for the Planning Committee to decide how it wishes to proceed.

As a matter of fact DCC Local Lead Flood Authority withdrew their holding objection to application 2/2018/0036/OUT.

Regarding S106 Agreement matters; these are outline applications and the report to Committee is not seeking to agree at this stage the precise detail of the S106 Agreement. Rather, it seeks agreement to the broad heads of terms at this stage, the level of affordable housing in the first phase of development and principle of a viability review mechanism etc. The recommendation seeks delegated authority to be given to the Head of Planning to subsequently negotiate the detailed terms / wording of a bilateral S106 Agreement. The only point of detail we are asking the Committee to decide now is the recommended level of 15% affordable housing with a 50/50% tenure split (as opposed to a policy compliant 25% Affordable Housing with a 70/30% tenure split which the District Valuer says is viable).

Please also note that the Officers' will also seek to modify the recommendations to include a further requirement; 'in the alternative', that states:

In the event that the Applicants subsequently do not agree to the terms of the Planning Committee resolution to APPROVE, or fail to complete the required Section 106 Agreements within 6 months, then delegate to the Head of Planning to REFUSE OUTLINE planning permission for the failure to comply with relevant Adopted Local Plan Policy 8 – Affordable Housing and Policy 21 – Gillingham Strategic Site Allocation (infrastructure).

Dorset County Hospital NHS Foundation Trust – Late consultation response received 25 February, 2019, summarised: **No objection in principle subject to financial contribution** - As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the ageing population and growth, it will not be able to plan for the growth in a piecemeal manner. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said infrastructure, putting people at significant risk.

This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable. There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population.

The contribution is necessary to maintain sustainable development. Further, the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's Core Strategy. In the circumstances, without the requested contributions to support the infrastructure the planning permission should not be granted.

Planning Conditions – both applications require some refinement of the wording of certain planning conditions, in particular those which require sub-phase and phasing requirements.

In addition the Grampian Highway Authority suggested conditions require deletion of the wording “to the specification of the Local Planning Authority” and insertion of the wording “to a specification provided by the applicant to be submitted to and approved in writing by the Local Planning Authority.”

Additional surface water drainage conditions required for both applications as follows:

CONDITION: No buildings shall be constructed until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction phases, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

REASON

To prevent the increased risk of flooding & associated nuisance, to improve and protect water quality, and to improve habitat and amenity.

CONDITION

No buildings shall be constructed until details of maintenance & management of both the surface water sustainable drainage scheme and adjacent receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

REASON

To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

Delegated authority be given to the Head of Planning to make such refinements and amendments to planning conditions as listed.

AGENDA ITEM 4 - 2/2018/00077/OUT - Land at Park Fm Kingsmead Business Park Gillingham

1. **DCC/LLFA Consultation – Surface Water Management consultation response 20 February, 2019** – Summarised: The amended FRA/DS document addresses the three main areas of concern:
 - The submission confirms that the surface water attenuation will be located outside of the Environment Agency Flood Zone 2 classification
 - A 10% betterment on greenfield flow rates provides a sufficient protection to ensure no local worsening effect downstream
 - Areas of prevailing surface water risk are identified within the Flood Risk Assessment and that these areas will be considered further. At the Reserved Matters stage any natural valleys which are susceptible to surface water flooding should be re-profiled, or must otherwise incorporate appropriate exceedance pathways (i.e. green corridors or highway alignments), which aim to steer flows towards convenient holding points.

On the basis of the additional information & clarification supplied DCC FRM withdraw our previous (Holding) Objection, subject to the attachment of the following pre-commencement conditions to any decision granted;

2. **Correct Recommendation Summary** – second bullet point should state 15% (NOT 20%) affordable housing in the first phase of development – consistent with the rationale in Part 1 report: Viability & Affordable Housing and Appendix C – Case Officer Conclusion.

AGENDA ITEM 5 - 2/2018/00036/OUT – West of Shaftesbury Rd at Land South of Gillingham

1. **One additional representation (2/2018/0036/OUT) objecting to the limited access off Woodpecker Meadow** – points of concern summarised as:
 - The recommendation of the county highway authority dated 14 February 2019 is wholly inconsistent with what they were advocating in September 2017 and February 2018
 - Neither the applicant's advisers nor the county highway authority have properly considered the impact of increased vehicular activity on the safety of the children attending the nearby primary school via Woodpecker Meadow, a material safety concern
 - The applicant seeks to minimise the impact of the volume of additional traffic resulting from the 100 new homes; but most homes have two vehicles each and the additional traffic could well total some 200 vehicles
 - As respects Woodpecker Meadow, the transport statement dated 8 December 2017 relies on the stage 1 road safety audit
 - An analysis of this audit is at paragraphs 17 to 26 of my letter dated 15 February 2018
 - i-Transport makes no attempt to defend the audit in their letter to NDDC dated 11 February
 - The county highway authority in its recommendation appears to accept the audit without analysing it
 - The planners must apply the NPPF, and because what is proposed is a major development, the 'lighter touch' transport statement that the applicant has produced as respects extending Woodpecker Meadow is inadequate for the purpose of fully considering the transport and safety implications.
2. **Correct Recommendation Summary** – second bullet point should state 15% (NOT 20%) affordable housing in the first phase of development – consistent with the rationale in Part 1 report: Viability & Affordable Housing and Appendix C – Case Officer Conclusion
3. **Delete conditions listed as 12, 13 & 26; Correct condition 17** and reason to reference "634" dwellings.
4. **Missing Appendix A : NDLP Policy 21: Gillingham Southern Extension:**

Refer following pages

Appendix A:

Adopted North Dorset Local Plan Policy 21: Gillingham Strategic Site Allocation

POLICY 21: GILLINGHAM STRATEGIC SITE ALLOCATION

A Master Plan Framework will be prepared for the whole of the southern extension of Gillingham to ensure that: the site will be developed in a comprehensive and coordinated manner; and facilities and infrastructure are provided and delivered in step with housing and employment development.

The Council will use the Master Plan Framework for the southern extension as a material consideration in the context of the requirements of the Local Plan which forms the main policy basis for determining any subsequent planning applications for development on the site. The Council will not support proposals for development within the southern extension prior to the production of (and consultation on) the Master Plan Framework and prior to its contents being agreed by the Council.

The Master Plan Framework (and any subsequent planning applications on or affecting the southern extension) should:

- a reflect the conceptual framework for the site (including concept plan, concept statement and design principles), unless a departure from the concept plan or concept statement can be clearly justified; and
- b demonstrate how the land use allocations, infrastructure and other requirements set out: in this policy; on the proposals map for the strategic site allocation; and in the other policies of the Local Plan, will be provided and delivered.

The Council's preferred approach is for developers to work together (and with the Council, key stakeholders and the community) to prepare the Master Plan Framework, which the Council would then agree. If necessary, the Council would consider producing a supplementary planning document or other planning document (or documents) to guide the future development of the southern extension.

Climate Change

The Master Plan Framework for the southern extension (and any subsequent planning application, or applications, for the site) should show how the causes and effects of climate change will be tackled by:

- c incorporating energy efficiency and renewable energy measures in buildings, including measures to produce energy from renewables and low carbon sources to meet the requirements of the Government's zero carbon buildings policy; and

POLICY 21 (CONT'D): GILLINGHAM STRATEGIC SITE ALLOCATION

- d consideration being given to the potential for a district heating
- e scheme to serve, or to be incorporated into, the southern extension, should a suitable opportunity arise; and
- f measures to address the risks of fluvial and surface water flooding; and
- g incorporating sustainable drainage systems into the development.

Environment

The Master Plan Framework for the southern extension (and any subsequent planning application, or applications, for the site) should show how the natural and historic environment will be conserved and enhanced by:

- h measures to integrate the southern extension into the wider landscape, particularly where the edge of development adjoins open countryside; and
- i measures to conserve and enhance wildlife interests, including both habitats and species within and close to the southern extension; and
- j the retention (in situ) and enhancement of significant archaeological features and their settings, including Kings Court Palace Scheduled Monument and Gillingham Park Boundary Bank Scheduled Monument.

Meeting Housing Needs

The Master Plan Framework for the southern extension should:

- k show how the site will be developed with about 1,800 homes in total; and
- l show how the delivery of housing will be phased over time making provision for about 1,800 homes to be delivered on the SSA in the period up to 2031; and
- m show how the delivery of housing will be phased spatially based on the approach that development will commence adjacent to the existing built-up area of the town and spread out towards the boundaries of the site; and
- n set out the mix of market and affordable homes, in terms of number of bedrooms, that should be delivered on the site, reflecting the proportions in Policy 7 – Delivering Homes, unless a different mix can be justified on the basis of local circumstances and agreed with the Council;

POLICY 21 (CONT'D): GILLINGHAM STRATEGIC SITE ALLOCATION

- o set out that 25% of the total number of dwellings will be affordable, unless a different percentage can be justified on the basis of a site-based assessment of viability and agreed with the Council; and
- p make provision for at least 50 affordable extra care units for the elderly, as part of the overall provision of affordable housing.

Any subsequent planning application, or applications, for the site should reflect the requirements for the provision of housing development set out above, or as amended in the Master Plan Framework.

Supporting Economic Development

The Master Plan Framework for the southern extension (and any relevant subsequent planning application, or applications, for the site) should:

- q set out how the land to the south of Brickfields Business Park should be developed: with a range of employment uses; with a new access from the B3092; to be well screened in views from the south and west; and
- r set out how the remaining undeveloped land at Kingsmead Business Park should be developed as part of a local centre in the Shaftesbury Road corridor to support the southern extension. In the event that the local centre does not include the remaining undeveloped land at Kingsmead Business Park, the Master Plan Framework (and any relevant subsequent planning applications), should show how the site will be developed with a range of employment uses.

Grey Infrastructure

The Master Plan Framework for the southern extension (and any relevant subsequent planning application, or applications, for the site) should make provision for:

- s a 'principal street' linking New Road (B3092) and Shaftesbury Road (B3081), which will be designed as a bus route; and
- t a permeable and legible network of well-defined streets and spaces within the southern extension, which are cycle and pedestrian friendly, including well-designed gateways to the town and accesses to different areas of development at key points. Links from the southern extension into the existing built-up area of the town should be primarily for pedestrians and cycles; and

POLICY 21 (CONT'D): GILLINGHAM STRATEGIC SITE ALLOCATION

- u the closure of Cole Street Lane to vehicular through traffic, other than for access; and
- v off-site highway improvements, particularly improvements to increase the capacity of the New Road (B3092) and Shaftesbury Road (B3081) junction; and improvements in the Shaftesbury Road/Le Neubourg Way corridor; and
- w off-site measures, and contributions towards off-site measures, to support the use of public transport, cycling and walking. Such improvements will include the enhancement of Gillingham Railway Station and the completion, where practicable of gaps in existing cycle and pedestrian route networks between the town and the southern extension; and
- x contributions towards the provision of a link road between the B3081 and the A30 at Enmore Green; and
- y other grey infrastructure requirements to support the development of the southern extension including the upgrading of: foul sewers; the town's sewage treatment works; utilities; and telecommunications networks, including broadband.

Social Infrastructure

The Master Plan Framework for the southern extension (and any relevant subsequent planning application, or applications, for the site) should make provision for:

- z a local centre in the Shaftesbury Road corridor to serve the southern extension, which will include: small scale local convenience shops; a 2 forms of entry primary school; a pre-school nursery; a community hall; health facilities (including a doctors' surgery, a dentist and a dispensing pharmacy); and other essential local facilities; and
- aa the expansion of St Mary the Virgin Primary School (from 1 form of entry to 2) including the provision of land if required; and contributions towards the expansion of Gillingham High School; and
- bb contributions towards improvements to, or the expansion of: Riversmeet (including a community hall); Gillingham Town Library; and Gillingham Fire Station.

POLICY 21 (CONT'D): GILLINGHAM STRATEGIC SITE ALLOCATION

Green Infrastructure

The Master Plan Framework for the southern extension (and any relevant subsequent planning application, or applications, for the site) should make provision for:

- cc at least 8.5 hectares of formal public open space, including sport's pitches, children's play spaces, allotments and community orchards. At least 7 hectares should be provided as sports pitches and associated facilities. The preferred option is for sports pitches to be grouped in two clusters either side of the B3081; and
- dd at least 26 hectares of informal public open space primarily along the river corridors providing: a landscape setting for development; enhanced habitats for wildlife; and off-road routes for pedestrians and cyclists within the SSA linking to the town and countryside; and
- ee the retention, where practicable, of important trees, groups of trees and hedgerows on the southern extension site within public open spaces and publically accessible 'greenways'; and
- ff the establishment of a sustainable drainage system across the southern extension utilising, where practicable, existing watercourses, ponds, ditches and the 'greenways' associated with the retained hedgerows; and
- gg the retention of existing areas of strategic landscape planting and the establishment of new strategic landscape planting, particularly on the edges of the site to screen new development whilst also allowing views out of and into the site; and
- hh contributions towards the provision or enhancement of green infrastructure off site.