

# Public Document Pack



**Barry Keel**  
Chief Executive

Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)

Date: 28 February 2012

Please ask for: Ross Jago / Katey Johns

T: 01752 304469 / 7815 E: [ross.jago@plymouth.gov.uk](mailto:ross.jago@plymouth.gov.uk) / [katey.johns@plymouth.gov.uk](mailto:katey.johns@plymouth.gov.uk)

## **PLANNING COMMITTEE**

**Date:** Thursday 8 March 2012

**Time:** 1 pm

**Venue:** Council House, Armada Way, Plymouth

**Members:**

Councillor Lock, Chair

Councillor Mrs Bowyer, Vice Chair

Councillors Browne, Delbridge, Mrs Foster, Mrs Nicholson, Stark, Stevens, Tuohy, Vincent, Wheeler and Williams.

Members are invited to attend the above meeting to consider the items of business overleaf.

Members and officers are requested to sign the attendance list at the meeting.

Please note that unless the chair of the meeting agrees, mobile phones should be switched off and speech, video and photographic equipment should not be used in meetings.

**Barry Keel**  
Chief Executive

# PLANNING COMMITTEE

## AGENDA

### PART I – PUBLIC MEETING

#### 1. APOLOGIES

To receive apologies for non-attendance submitted by Committee Members.

#### 2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this Agenda.

#### 3. MINUTES

**(Pages 1 - 8)**

The Committee will be asked to confirm the minutes of the meeting held on 9 February 2012.

#### 4. CHAIR'S URGENT BUSINESS

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

#### 5. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chair will receive and respond to questions from members of the public submitted in accordance with the Council's procedures. Questions shall not normally exceed 50 words in length and the total length of time allowed for public questions shall not exceed 10 minutes. Any question not answered within the total time allowed shall be the subject of a written response.

#### 6. PLANNING APPLICATIONS FOR CONSIDERATION **(Pages 9 - 10)**

The Assistant Director of Development (Planning Services) will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990. Members of the Committee are requested to refer to the attached planning application guidance.

##### 6.1. 22 DONNINGTON DRIVE, PLYMOUTH. 12/00014/FUL **(Pages 11 - 16)**

Applicant:	Mr Mark Duke
Ward:	Compton
Recommendation:	Grant Conditionally.

6.2. 67A EBRINGTON STREET, PLYMOUTH. 11/02000/FUL **(Pages 17 - 24)**

Applicant: Mr Mohamed El Mohamdi  
Ward: St Peter and the Waterfront  
Recommendation: Grant Conditionally.

6.3. LAND AT BARTON ROAD, HOOE LAKE, PLYMSTOCK. 11/01250/FUL **(Pages 25 - 68)**

Applicant: Barratt Homes Exeter  
Ward: Plymstock Radford  
Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 8 July 2012.

6.4. SHERFORD NEW COMMUNITY, LAND SOUTH/SOUTHWEST OF A38 DEEP LANE AND EAST OF HAYE ROAD ELBURTON, PLYMOUTH. 06/02036/OUT **(Pages 69 - 188)**

Applicant: Red Tree (2004) LLP  
Ward: Plymstock Dunstone  
Recommendation: Grant Conditionally Subject to S106 Obligation.

**7. PLANNING APPLICATION DECISIONS ISSUED (Pages 189 - 224)**

The Assistant Director of Development (Planning Services) acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 29 January 2012 to 27 February 2012 including –

- 1) Committee decisions;
- 2) Delegated decisions, subject to conditions where so indicated;
- 3) Applications withdrawn;
- 4) Applications returned as invalid.

Please note that these Delegated Planning Applications are available for inspection at First Stop Reception, Civic Centre.

**8. APPEAL DECISIONS (Pages 225 - 226)**

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that this schedule is available for inspection at First Stop Reception, Civic Centre.

**9. EXEMPT BUSINESS**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt

information as defined in paragraph(s) 3 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

## **PART II (PRIVATE MEETING)**

### **AGENDA**

#### **MEMBERS OF THE PUBLIC TO NOTE**

that under the law, the Panel is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

- 10. SHERFORD NEW COMMUNITY, LAND (Pages 227 - 228)**  
**SOUTH/SOUTHWEST OF A38 DEEP LANE AND**  
**EAST OF HAYE ROAD ELBURTON, PLYMOUTH.**  
**06/02036/OUT**

Applicant:	Red Tree (2004) LLP
Ward:	Plymstock Dunstone
Recommendation:	Grant Conditionally Subject to S106 Obligation.

## Planning Committee

Thursday 9 February 2012

### PRESENT:

Councillor Lock, in the Chair.

Councillor Mrs Bowyer, Vice-Chair.

Councillors Mrs Aspinall (substitute for Councillor Tuohy), Browne, Delbridge, Mrs Foster, Mrs Nicholson, Stark, Stevens, Vincent, Wheeler and Williams.

Apology for absence: Councillor Tuohy.

Also in attendance: Ray Williams, Lead Planning Officer, Mark Lawrence, Lawyer, and Katey Johns, Democratic Support Officer.

The meeting started at 1pm and finished at 4.15 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

### 90. DECLARATIONS OF INTEREST

The following declarations of interest were made in accordance with the code of conduct –

Name	Minute No. and Subject	Reason	Interest
Councillor Wheeler	96. Public Path Extinguishment Order – Ridgeway School	Member of Local Access Forum	Personal
Councillor Mrs Foster	96. Public Path Extinguishment Order – Ridgeway School	Grandson attends the school	Personal

### 91. MINUTES

Agreed the minutes of the meeting held on 12 January 2012.

### 92. CHAIR'S URGENT BUSINESS

#### Welcome

The Chair extended a warm welcome to councillors and officers from Teignbridge District Council's Planning Committee who were in attendance to observe proceedings as part of a good-practice sharing exercise.

**Microphones**

The Chair reminded Members of the problems encountered with the microphones at the last meeting. He drew attention to the fact that the boxes attached to each microphone were extremely sensitive and could distort the sound if touched. Members were asked to avoid touching them wherever possible.

(In accordance with Section 100(B)(4)(b) of the Local Government Act 1972, the Chair brought forward the above items of business in order to inform Members).

93. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The following questions were received from members of the public, in accordance with paragraph 10 of the Constitution.

Question No	Question By	Subject
2 (11/12)	Mrs J Hall	Waste to Energy Plant
<p>What impact did the Director of Health’s views on the proposed incinerator have on the Planning Committee, especially as she stated that ‘the cumulative impact is likely to place the greatest burden upon some of the poorest and most vulnerable people in the city’ and ‘may exacerbate existing inequalities?’</p>		
<p>The proposal was for an Energy from Waste Plant and the Planning Committee considered that planning permission was only warranted subject to a Section 106 agreement with adequate measures to enable local well-being issues to be properly addressed mindful of the legal requirements covering such agreements. The PCT also raised concerns about noise and dust and conditions recommended to, and approved by, the Planning Committee addressed these concerns. The PCT also suggested the proposed visitor centre should be open for community use and the Section 106 agreement includes clauses to secure that. The NHS Plymouth Primary Care Trust (PCT) response to the planning application was made in full consultation and agreement with the Devon Health Protection Team of the Health Protection Agency (HPA).The concerns of the PCT surrounding this proposal and their suggest ways of mitigating and controlling potential negative impacts and for strengthening positive impacts was assessed in their Rapid Prospective Health Impact Assessment. This was incorporated into the Committee report as it was considered to be a material planning consideration. The PCT initial suggestion was for direct funding and assistance with possible revenue expenditure on rent reimbursement for a future Barne Barton GP surgery as part of a Section 106 agreement. This suggestion was also reported to the Planning Committee. Such direct assistance would be inappropriate for a Section 106 agreement between the applicants and the Local Planning Authority. It would not have been CIL Regulation 122 compliant. However, the PCT suspected that this might be the case and suggested an alternative option. The PCT asked that a financial contribution for wellbeing was made and included in a Community Fund, that the PCT could then access and work with the local community, to commission appropriate wellbeing services out of, or in close liaison with, the primary medical service facility. This option was accepted by the Planning</p>		

Committee.

The PCT also expressed the view, reported to the Planning Committee, that they would be very willing to sit on a Trust Board to ensure that such funding was allocated to appropriate evidence based interventions. The Planning Committee agreed that this should be reflected in the required Section 106 for the North Yard Community Trust.

The views of the PCT did therefore have an impact upon the decision made by the Planning Committee.

94. **PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the following applications, development proposals by local authorities, and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservation Areas) Act, 1990. An addendum report was submitted in respect of minute number 94.2.

**94.1 74 MUTLEY PLAIN, PLYMOUTH. 11/01817/FUL**

(Quaker House Outreach Centre)

Decision

Application **GRANTED** conditionally.

**94.2 LAND AT BARTON ROAD, HOOE LAKE, PLYMSTOCK.  
11/01250/FUL**

(Barratt Homes Exeter)

Decision:

Application **DEFERRED** for officers to investigate the reasons for refusal suggested by Members in accordance with paragraph 14.7 of the Code of Practice and to provide further information on emergency vehicles and affordable housing.

(At the invitation of the Chair, the Committee heard representations against the application from Councillor K Foster, ward member).

(At the invitation of the Chair, the Committee heard representations against the application from Councillor Michael Leaves, ward member).

(At the invitation of the Chair, the Committee heard representations against the application).

(Councillor Wheeler's proposal to defer the application for provision of further information on affordable housing, having been seconded by Councillor Williams, was put to the vote and declared lost).

(Having failed to support the Officer's recommendation contained in the report, Members considered an alternative proposal to defer the application which, having been moved by Councillor Wheeler and seconded by Councillor Mrs Nicholson, was put to the vote and declared carried).

**94.3 FORMER ROYAL MARINE PUB SITE, TORRIDGE WAY, PLYMOUTH. 11/01742/FUL**

(Sarsen Housing Association)

Decision:

Application **GRANTED** conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 1 March 2012.

**94.4 64 SALISBURY ROAD, PLYMOUTH. 11/01791/FUL.**

(Amber New Homes and Developments Ltd.)

Decision:

Application **REFUSED** for the following reasons –

**DETRIMENTAL TO RESIDENTIAL AMENITY AND CHARACTER OF THE AREA**

(1) The proposed House in Multiple Occupation would be detrimental to the amenities enjoyed by the residential occupiers of properties in Salisbury Road, Rosebery Avenue and Durham Avenue, by virtue of the intensity of the proposed use and the close relationship with neighbouring residential properties. The residential environment of adjoining and nearby properties would be likely to be harmed by the number of comings and goings, noise, car fumes and other disturbance arising from the proposed development. Consequently the proposal is contrary to policy CS22 and CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**INADEQUATE PROVISION OF PARKING**

(2) No adequate provision is proposed to be made for the parking of cars of persons residing at or visiting the development. Vehicles used by such persons would therefore have to stand on the public highway giving rise to conditions likely to cause:-

(a) Damage to amenity;

(b) Prejudice to public safety and convenience;

(c) Interference with the free flow of traffic on the highway

which is contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007

**INADEQUATE PROVISION OF REFUSE BIN STORAGE**

(3) The application has failed to demonstrate that adequate access and provision would be made for the storage of refuse for the proposed development of a ten bedroom HMO, contrary to Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

(At the invitation of the Chair, the Committee heard representations against the application from Councillor Rennie, ward member).

(At the invitation of the Chair, the Committee heard representations against the application from Councillor Mrs Nelder, ward member).



(At the invitation of the Chair, the Committee heard representations in support of the application).

(Councillor Wheeler's proposal to refuse the application, having been seconded by Councillor Mrs Bowyer, was put to the vote and declared carried).

95. **SECTION 106 AMENDMENT - DRAKES CIRCUS**

The Director of Development submitted a report which proposed an amendment to the existing 106 agreement in relation to Drakes Circus (99/0707) and to make available funds to help deliver a children's play area in Plymouth City Centre.

Agreed to instruct the Assistant Director for Planning Services to undertake a deed of variation which amends clause 9 of the existing 106 Agreement as discussed in this report, changing the subject of the obligation from childcare facilities to the provision of children's play and allowing the Council five years from the date of this decision for its expenditure.

96. **PUBLIC PATH EXTINGUISHMENT ORDER - RIDGEWAY SCHOOL**

Further to minute 55.2, the Director for Development submitted a report requesting the referral of a Public Path (Special) Extinguishment Order to the Secretary of State for determination by public inquiry. Members were advised that a minor administrative error in the last report had prevented the Order from being enacted. The demarcation of alternative routes had now been included and the report was resubmitted for Members' consideration.

Agreed to authorise the referral of the Order to the Secretary of State and allow the confirmation of the Order to be considered by public inquiry.

(At the invitation of the Chair, the Committee heard representations against the Order).

97. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report of the Assistant Director of Development (Planning Services) on decisions issued for the period 3 to 29 January 2012, including

—

- Committee decisions
- Delegated decisions, subject to conditions where so indicated
- Applications withdrawn
- Applications returned as invalid

98. **APPEAL DECISIONS**

The Committee received a schedule of decisions made by the Planning Inspectorate on appeals arising from the decisions of the City Council.

99. **EXEMPT BUSINESS**

There were no items of exempt business.

**SCHEDULE OF VOTING**

\*\*\*PLEASE NOTE\*\*\*

A SCHEDULE OF VOTING RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

**SCHEDULE OF VOTING**

<b>Minute number and Application</b>	<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>
6.1 74 Mutley Plain, Plymouth 11/01817/FUL	Unanimous				Councillor Stark
6.2 Land at Barton Road, Hooe Lake, Plymstock 11/01250/FUL Alternative Proposal No.1  Officer's Recommendation	Councillors Mrs Aspinall, Stevens, Vincent, Wheeler and Williams  Councillors Lock, Mrs Bowyer, Browne and Delbridge	Councillors Lock, Mrs Bowyer, Browne, Delbridge, Mrs Foster and Mrs Nicholson,  Councillors Mrs Aspinall, Mrs Foster, Mrs Nicholson, Stevens, Vincent, Wheeler and Williams	Councillor Stark  Councillor Stark		
Alternative Proposal No. 2	Councillors Mrs Aspinall, Mrs Foster, Mrs Nicholson, Stevens, Vincent, Wheeler and Williams	Councillors Lock, Mrs Bowyer, Browne and Stark	Councillor Delbridge		
6.3 Former Royal Marine Pub Site, Torridge Way, Plymouth 11/01742/FUL	Unanimous				
6.4 64 Salisbury Road, Plymouth 11/01791/FUL Alternative Proposal  Refusal Reasons	Unanimous  Unanimous				
7 Section 106 Amendment – Drakes Circus	Unanimous				
8 Public Path Extinguishment Order – Ridgeway School	Councillors Lock, Mrs Bowyer, Mrs Aspinall, Vincent, Williams, Stevens, Mrs Nicholson, Delbridge, Stark and Browne.		Councillor Wheeler		Councillor Mrs Foster

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## **PLANNING APPLICATIONS FOR CONSIDERATION**

**All of the applications included on this agenda have been considered subject to the provisions of the Human Rights Act 1998. This Act gives further effect to the rights included in the European Convention on Human Rights.**

### **Addendums**

Any supplementary/additional information or amendments to a planning report will be circulated at the beginning of the Planning Committee meeting as an addendum.

### **Public speaking at Committee**

The Chair will inform the Committee of those Ward Members and/or members of the public who have registered to speak in accordance with the procedure set out in the Council's website.

Participants will be invited to speak at the appropriate time by the Chair of Planning Committee after the introduction of the case by the Planning Officer and in the following order:

- Ward Member
- Objector
- Supporter

After the completion of the public speaking, the Planning Committee will make their deliberations and make a decision on the application.

### **Committee Request for a Site Visit**

If a Member of Planning Committee wishes to move that an agenda item be deferred for a site visit the Member has to refer to one of the following criteria to justify the request:

1. Development where the impact of a proposed development is difficult to visualise from the plans and any supporting material.

The Planning Committee will treat each request for a site visit on its merits.

2. Development in accordance with the development plan that is recommended for approval.

The Planning Committee will exercise a presumption against site visits in this category unless in moving a request for a site visit the member clearly identifies what material planning consideration(s) have not already been taken into account **and** why a site visit rather than a debate at the Planning Committee is needed to inform the Committee before it determines the proposal.

3. Development not in accordance with the development plan that is recommended for refusal.

The Planning Committee will exercise a presumption against site visits in this category unless in moving a request for a site visit the Member clearly identifies what material planning consideration(s) have not already been taken into account **and** why a site visit rather than a debate at the Planning Committee is needed to inform the Committee before it determines the proposal.

4. Development where compliance with the development plan is a matter of judgment.

The Planning Committee will treat each case on its merits, but any member moving a request for a site visit must clearly identify why a site visit rather than a debate at the Planning Committee is needed to inform the Committee before it determines the proposal.

5. Development within Strategic Opportunity Areas or development on Strategic Opportunity Sites as identified in the Local Plan/Local Development Framework.

The Chair of Planning Committee alone will exercise his/her discretion in moving a site visit where, in his/her opinion, it would benefit the Planning Committee to visit a site of strategic importance before a decision is made.

### **Decisions contrary to Officer recommendation**

1. If a decision is to be made contrary to the Head of Planning and Regeneration recommendation, then the Committee will give full reasons for the decision, which will be minuted.
2. In the event that the Committee are minded to grant an application contrary to Officers recommendation then they must provide:
  - (i) full conditions and relevant informatives;
  - (ii) full statement of reasons for approval (as defined in Town & Country Planning (General Development Procedure) (England) (Amendment) Order 2003);
3. In the event that the Committee are minded to refuse an application contrary to Officers recommendation then they must provide:
  - (i) full reasons for refusal which must include a statement as to demonstrable harm caused and a list of the relevant plan and policies which the application is in conflict with;
  - (ii) statement of other policies relevant to the decision.

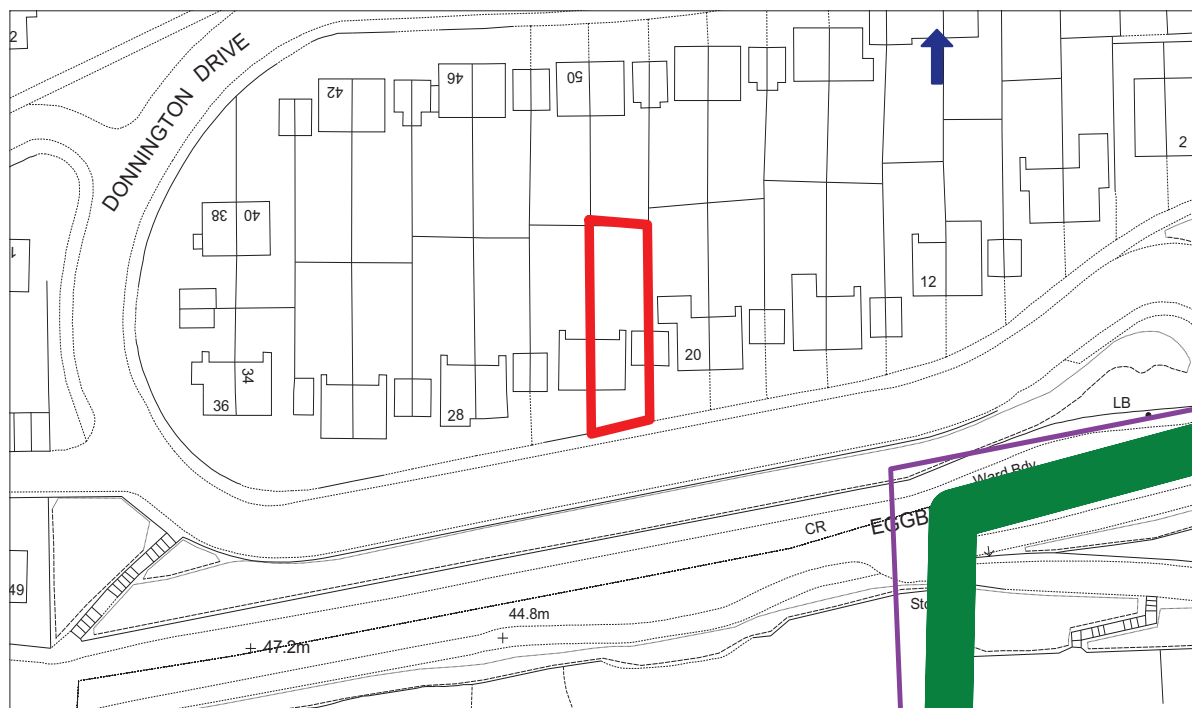
Where necessary Officers will advise Members of any other relevant planning issues to assist them with their decision.

# PLANNING APPLICATION REPORT



**ITEM: 01**

<b>Application Number:</b>	12/00014/FUL
<b>Applicant:</b>	Mr Mark Duke
<b>Description of Application:</b>	Side extension
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	22 DONNINGTON DRIVE PLYMOUTH
<b>Ward:</b>	Compton
<b>Valid Date of Application:</b>	19/01/2012
<b>8/13 Week Date:</b>	<b>15/03/2012</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Adam Williams
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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**This application has been referred to committee as the applicant is related to an employee of Plymouth City Council**

**Site Description**

22 Donnington Drive is a semi-detached property within the Eggbuckland area of Plymouth City

**Proposal Description**

Side extension to provide ensuite bedroom above existing private motor garage

**Pre-Application Enquiry**

None

**Relevant Planning History**

None

**Consultation Responses**

Plymouth Airport – No objections

**Representations**

One letter of representation was received from the owner of 20 Donnington Drive. The owner had no objections in principle to the extension however was concerned with how the proposals would affect her property.

The first concern was how the extension would affect the party wall, which the garages of these two properties share. The party wall act has no bearing on the determination of a planning application and it is a civil matter between the two property owners. It is in the interest of both owners to pay due regard to the party wall act and exercise any due rights within the act.

The second concern is relates to weatherproofing and drainage. This issue is also covered within the party wall act and not a consideration of this planning application.

A home visit was undertaken at the owner's request as she could not get access to the plans and had difficulty understanding them. Other concerns were raised during the visit with regards to structural integrity of the garages, privacy, outlook and light. The last three issues will be dealt with within the analysis. The concerns surrounding structural integrity are a matter for building regulations and not planning.

**Analysis**

This application turns upon Policy CS34 of the City of Plymouth Core Strategy 2006-2021 and Supplementary Planning Document 'Development Guidelines', as well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework. The primary planning considerations are the impact on neighbour amenities and the impact on the character and visual appearance of the area as detailed below.



The extension is to be sited above an existing garage and both front and rear walls of the extension will be flush with the existing garage, which is set approximately 3.5 metres back from the front elevation of the house. In addition the garage is to be extended to the front slightly to allow better use of the garage.

In terms of impact on visual amenity and impact on the street scene, the proposal is considered acceptable. The extension is subordinate and as such in line with planning guidance contained within the Development Guidelines Supplementary Planning Document. Side extensions feature on other properties in the area and as such the extension is not considered to set an unwanted precedent nor is it considered to introduce an unwelcome feature to the area.

The properties along this street follow a staggered pattern, with No. 22 forming a semi detached property with No. 24, and Nos. 20 and 18 being set back from Nos. 22 and 24.

The impact on light will largely be directed to a side window serving a stairway landing area within No. 20 Donnington Drive. This window faces west to primarily receive sunlight from the late afternoon onwards. The proposed development is considered to be satisfactory.

It is considered that there is little impact on privacy. The extension will have no side windows so no overlooking will occur into adjacent windows. The rear of the extension has a small window serving a bathroom and this will be conditioned to be obscure glazed. Even if this was not the case, the neighbouring property is set so far back from the application property the rear of No. 20 cannot be seen from the upper levels of No. 22.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Section 106 Obligations**

None

### **Equalities & Diversities issues**

None

### **Conclusions**

Recommended for conditional approval

**Recommendation**

In respect of the application dated **19/01/2012** and the submitted drawings site location plan, block plan, 3710.1, 3710.2, 3710.3, 3710.4, it is recommended to:

**Grant Conditionally**

**Conditions**

**DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

**APPROVED PLANS**

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, block plan, 3710.1, 3710.2, 3710.3, 3710.4.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**OBSCURE GLAZING**

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), the first-floor window in the north-facing elevation of the side extension shall at all times be obscure glazed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: impact on neighbour amenities and the impact on the character and visual appearance of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS34 - Planning Application Consideration  
SPDI - Development Guidelines  
NPPF - Draft National Planning Policy Framework 2011

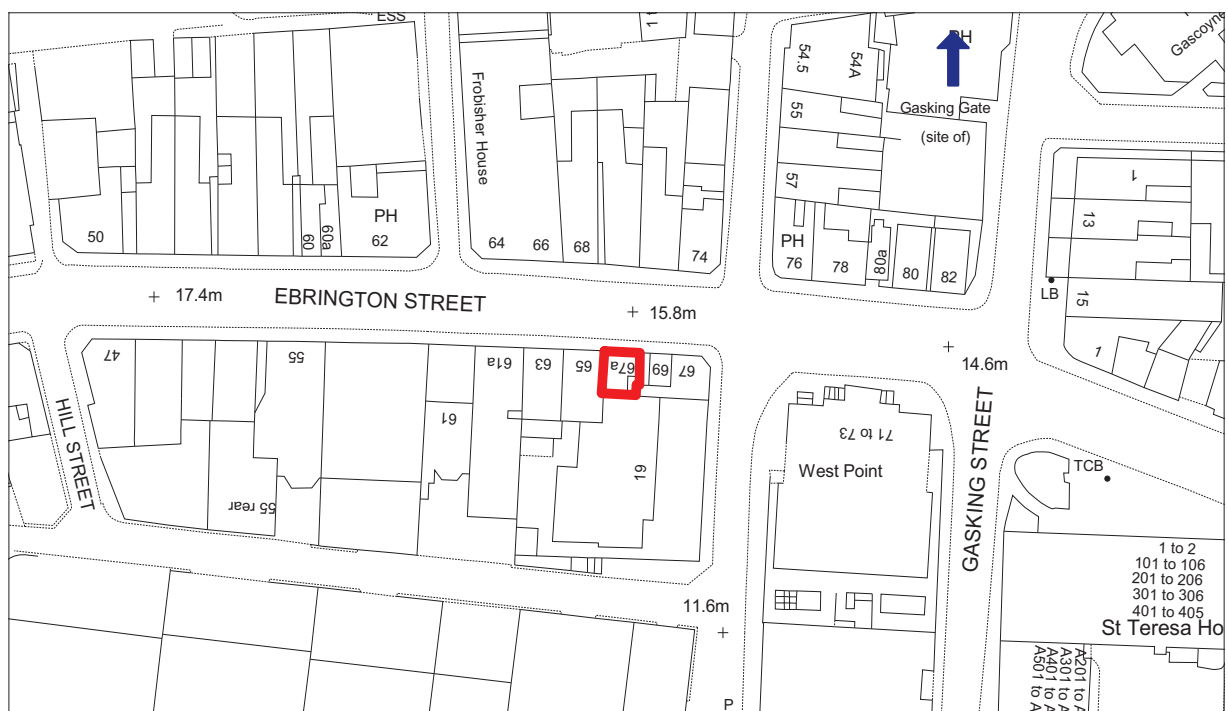
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# PLANNING APPLICATION REPORT



**ITEM: 02**

<b>Application Number:</b>	I1/02000/FUL
<b>Applicant:</b>	Mr Mohamed El Mohamdi
<b>Description of Application:</b>	Change of use from shop (A1) to take-away (A5) (ground and first floors) and installation of flue to rear
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	67A EBRINGTON STREET PLYMOUTH
<b>Ward:</b>	St Peter & The Waterfront
<b>Valid Date of Application:</b>	13/12/2011
<b>8/13 Week Date:</b>	<b>07/02/2012</b>
<b>Decision Category:</b>	Member/PCC Employee
<b>Case Officer :</b>	Olivia Wilson
<b>Recommendation:</b>	Grant Conditionally
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



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## **OFFICER'S REPORT**

**This application is being reported to the Planning Committee because the agent is an employee of Plymouth City Council.**

### **Site Description**

67a Ebrington Street is a vacant shop unit in the Ebrington Street Conservation Area and the Ebrington Street local shopping centre.

The current shop unit is located near the corner of Ebrington Street and North Street on the south frontage and is identified in the draft Shopping Centres SPD as part of the primary frontage. On one side is a Subway sandwich shop and on the other a barbers shop and a pizza take-away that was approved in 2007 (07/01041/ful). On the opposite corner of the street is a Chinese take-away. The shop unit is currently vacant. It has a traditional shop front and therefore contributes to the character of the Conservation Area.

### **Proposal Description**

Change of use from shop (Use Class A1) to take-away (Use Class A5) (ground and first floors) and installation of flue at rear

### **Pre-application Enquiry**

Pre-application advice was sought for this application (MI/266/PRE). The Council advised that the general principle of change of use is likely to be acceptable but that the application should demonstrate that there would be no harmful impacts on neighbours in terms of cooking odours or noise.

### **Relevant Planning History**

11/01598/FUL – Change of use from shop (A1) to Indian take-away (A5), (ground and first floors) and installation of flue at rear - withdrawn

### **Consultation Responses**

Environmental Protection notes that the proposed ventilation flue will be raised to roof ridge height within the rear courtyard. It considers that the ventilation system is acceptable in terms of odour control, however the noise from the ventilation system has not been specified in the application. It requests that a noise survey is carried out before the installation of the above agreed system. This could be covered by a condition.

The Highways Authority has no objection but recommends an informative to state that the unit is within a Controlled Parking Zone and therefore not eligible for a parking permit.

### **Representations**

No letters of representation have been received for this application.

### **Analysis**

The application is considered having regard to local and national policies and guidance, as well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework.

The key considerations with this application are: the impact of the proposed change of use on the local centre, the impact on the character of the Conservation Area, the impact of the proposed use on the amenity of neighbouring properties and highway considerations.

### **Impact of the proposed change of use on the local centre**

Policy CS11 states that change of use will be permitted where the primary function of the centre is maintained, the proposed use is complementary to the retailing function, it would not result in a harmful over-concentration of non A1 retail uses within a frontage and the development helps people meet their day to day needs.

Paragraph 7.45 of the Core Strategy states that over-concentration of non-A1 units within individual frontages can harm vitality and viability and that a balanced spread of uses is more appropriate.

In the shopping centre as a whole the 2011 shopping centre survey found that out of 45 units, 25 are currently in Class A1 (retail) use, 2 are A2 (financial and professional services), 3 are A3 (cafes and restaurants), 3 are A4 (drinking establishments) and seven are A5 (hot food take-aways). There are 5 vacant A1 (retail) units.

Officers consider that while the loss of another A1 retail unit to Class A5 is regrettable, there is still a predominance of A1 uses and therefore the proposed use could not be refused on the basis of detriment to the retail character of the centre.

### **Impact on the character of the Conservation Area**

The Ebrington Street Conservation Area Management Plan 2008 states that the street maintains a robust sense of lively commercial activity. The conversion of a vacant unit into a take-away could be argued to contribute to this commercial activity. There are no proposed changes to the shop front which is to be welcomed as the shop front still retains its traditional character, although an informative can be added to note that advertisement consent may be required for the fascia sign. It is proposed to install a flue on the rear elevation from the first floor up to roof ridge height. Officers consider that this would not be visible from the street and therefore could not be said to impact detrimentally on the character of the Conservation Area.

### **Impact on the amenity of neighbours**

Policy CS22 of the Core Strategy states that development proposals will be refused which cause unacceptable noise, nuisance or light pollution. The Development Guidelines Supplementary Planning Document adds further (para. 3.2.2) that the Council will take a cautious approach to food and drink applications, particularly in residential areas and when opening times extend beyond normal shop hours. It goes on to state that the following information should be supplied with planning applications: details of noise levels, location of noise-generating equipment, intended hours of operation and, if applicable, sound insulation measures.

Several properties along Ebrington Street are in residential use, creating a successful mixed use neighbourhood. No 65 Ebrington Street which adjoins the proposal site has 2 flats, there are flats to the rear of the site at 19 North Street and there are flats opposite at 68, 70 and 74 Ebrington Street. The presence of residential uses so close to the application site makes the issues of noise, odours and disturbance of particular importance.

The application states that the use will be a take-away. Details are provided which state that a Sirius integrated emission control extract system will be installed that will remove grease and odour using high performance equipment. The Design and Access Statement states that the extract fan will have a maximum volume of 65 dba.

The plans show that the equipment will be installed in the kitchen at first floor level, with the cooker, fryer and extract equipment at the rear at first floor level. The flue will be installed on the rear elevation, terminating at ridge height.

The elevation on which the flue will be installed forms part of an enclosed courtyard. This means that the flue will not be visible from any point on Ebrington or North Street. On one side of the courtyard there are two windows that belong to the application property. On the opposite side is a window at 2<sup>nd</sup> floor level that it is understood belongs to a flat above 67 Ebrington Street. Officers consider that this property will not be subject to detrimental odour as the flue terminates above this window at roof ridge height, and adequate odour abatement measures are proposed. It is proposed to include a noise condition to ensure that any noise from the ventilation and extract equipment does not cause a nuisance to this property. Officers consider that no other properties would be affected by noise.

The hours of operation for the take-away are stated to be 5pm to 11pm Mondays to Saturdays and 5pm to 10pm on Sundays and Bank Holidays. It will therefore be operating outside normal shopping hours in the evenings, but not late into the night.

Officers consider that sufficient details are provided to be satisfied that it is unlikely that the use will be detrimental to the amenity of neighbouring properties, subject to a condition on noise.

### **Highway considerations**

There is no off-street parking associated with this application. However, the Highways Authority has no objection to the application as it is in a sustainable location and easily accessible from the City Centre on foot and by public transport.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Section 106 Obligations**



None

**Equalities & Diversities issues**

None

**Conclusions**

On the grounds that the proposed change of use will not have an unacceptable impact on the character of the local centre, the conservation area, or highways, and will not be detrimental to the amenity of neighbours on noise or odour grounds, it is recommended to conditionally approve this application.

**Recommendation**

In respect of the application dated **13/12/2011** and the submitted drawings Site location plan, Block plan, 3/2011/07/03 Existing plans and elevations, 3/2011/07/04 Proposed plans and elevations, extract and ventilation details, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

**Conditions**

**DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

**APPROVED PLANS**

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Block plan, 3/2011/07/03 Existing plans and elevations, 3/2011/07/04 Proposed plans and elevations, extract and ventilation details.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**VENTILATION SYSTEM**

(3) The odour control measures specified in the application shall be installed and maintained in accordance with DW/172 HVCA specification for kitchen ventilation systems.

Reason:

To safeguard the amenity of the occupiers of adjoining properties and to comply with policy CS22 of Plymouth City Council's Local Development Framework adopted Core Strategy 2007 (2006 - 2021).

### NOISE IMPACT SURVEY

(4) The use hereby approved shall not commence until a noise impact survey to establish current background noise levels and the likely impact on noise that the equipment will make to these levels has been submitted to and approved in writing by the Local Planning Authority. The noise emanating from equipment (LAeqT) should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

#### Reason:

To protect the amenity of residents from noise disturbance in accordance with Policies CS34 and CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007.

### OPENING HOURS

(5) The use hereby permitted shall not be open to customers outside the following times: 17:00 to 23:00 hours Mondays to Saturdays inclusive and 17:00 to 22:00 hours on Sundays and Bank or Public Holidays.

#### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### INFORMATIVE: ODOUR

(1) With regard to condition 3, a copy of the specification can be bought from [www.hvca.org.uk](http://www.hvca.org.uk) and the DEFRA Jan 2005 Guidance on control of odour from commercial premises; which can be obtained online from DEFRA.

### INFORMATIVE: DRAINAGE

(2) Please refer to the Building Regulations Approved Document H requirement for drainage in commercial hot food premises to be fitted with a grease separator.

### INFORMATIVE: RUBBISH COLLECTION

(3) In order to comply with EC Regulation 852/2004 Annex II Chapter 1 and 2 before collection, refuse associated with the takeaway/restaurant should be stored in lidded pest resistant containers. If necessary for the purposes of preventing pests being encouraged into the area the takeaway shall arrange a daily refuse collection.

### INFORMATIVE: KITCHEN DESIGN

(4) In order to comply with EC Regulation 852/2004 Annex II Chapter 1 and 2 the kitchen installed in the premises shall include the provision of adequate numbers of wash hand basins, sinks with hot and cold water and adequate drainage provision. Plans for the design of the kitchen should be forwarded to the Council's Public Protection Service for comment before work begins, as failure to meet the requirements of the legislation may be costly to correct at a later stage.

**INFORMATIVE: LAND QUALITY**

(5) The Council's Environmental Protection Officer (Land Quality), Public Protection Service, advises that the site is adjacent to an area of historical industrial activity and there is the possibility of contamination of the site as a result. It is therefore recommended that appropriate assessments and site investigations are carried out and, depending on the results, appropriate measures put into place to remediate any contamination affecting the proposed development.

**INFORMATIVE: CONTROLLED PARKING ZONE**

(6) The applicant is advised that the property is located within a Controlled Parking Zone and therefore not eligible for a parking permit.

**INFORMATIVE: FASCIA SIGN**

(7) The applicant is advised that the installation of a fascia sign may require advertisement consent. Please contact the Planning Service on Tel. 304366 for advice on advertisement regulations if further information is required.

**Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: impact of the proposed change of use on the local centre, impact on the character of the Conservation Area, impact on the amenity of neighbours and highway considerations, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS11 - Change of Use in District/Local Centres

SPDI - Development Guidelines

NPPF - Draft National Planning Policy Framework 2011

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# PLANNING APPLICATION REPORT



**ITEM: 03**

**Application Number:** I1/01250/FUL

**Applicant:** Barratt Homes Exeter

**Description of Application:** Re-development of site by erection of 222 new dwellings, provision of new public open space, ancillary access roads, improvements to Barton Road and associated works

**Type of Application:** Full Application

**Site Address:** LAND AT BARTON ROAD HOOE LAKE PLYMSTOCK

**Ward:** Plymstock Radford

**Valid Date of Application:** 09/08/2011

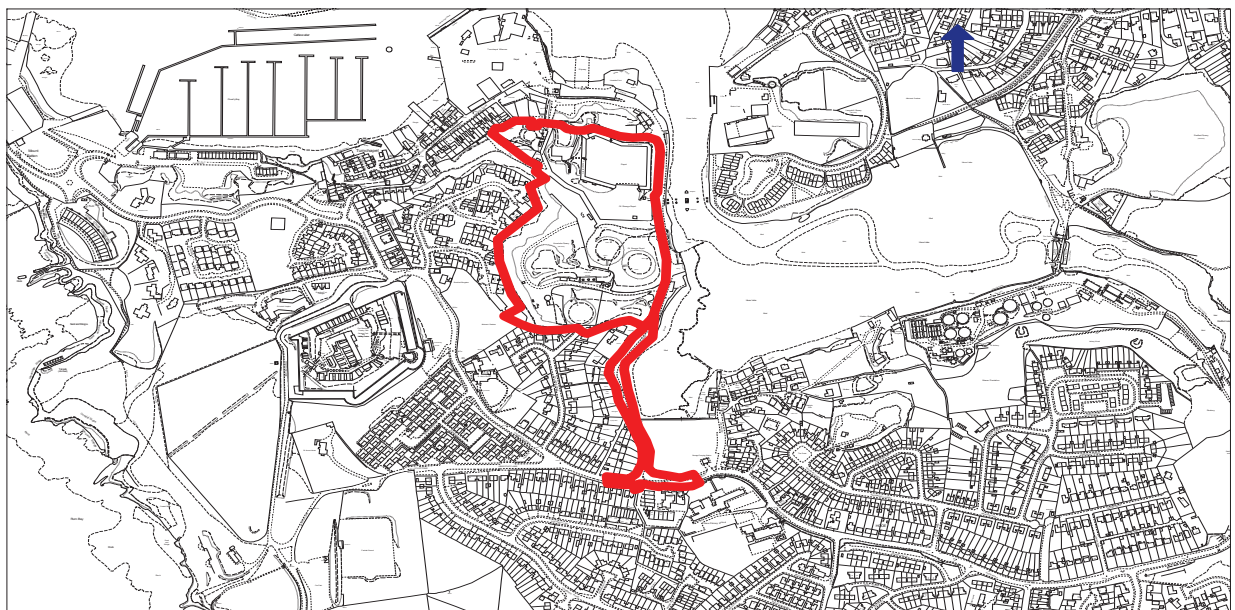
**8/13 Week Date:** **08/11/2011**

**Decision Category:** Major Application

**Case Officer :** Robert Heard

**Recommendation:** Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 8 July 2012

**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



## Update

A decision on this application has been deferred at the two previous meetings of Planning Committee, as follows:

### (1) 12 January 2012

This application was deferred at the Planning Committee meeting on 12 January for the following reasons:

- the requirements of the ecological and mitigation impact assessment for the proposed new road scheme at Barton Road;
- the requirements for sewage;
- further negotiations with the developer over the S106 contribution;
- highway mitigation measures along Hooe Road, including public transport.

Following that deferral, further discussion took place with the applicants and additional information was provided. With regard to the reasons for deferral listed above, the following information applies:

#### Ecological mitigation impact assessment for new road scheme at Barton Road

At the January committee meeting, it was recommended orally that a condition be added seeking an Ecological Mitigation and Enhancement Strategy for the area of land adjacent to Hooe Lake that might be affected by the proposed works necessary to upgrade Barton Road. This was as a result of Natural England confirming orally on the morning of the committee meeting that they would withdraw their objection subject to the additional condition mentioned above. Later, Natural England provided an updated consultation response in the form of a letter dated 25 January 2012, which stated:

*'Natural England has no objection to the proposed development. Our response is based upon the provision of additional information that provides clarification of impacts and corresponding mitigation from the proposed development on the interest features associated with Plymouth Sound & Estuaries SAC. Further, we are satisfied that there will be no disturbance of protected species. We do, however, seek further assurances that the proposals will secure the delivery of biodiversity gain..... The delivery of biodiversity gain will need to be secured in perpetuity by your authority through an appropriate planning condition/obligation. Integral to this commitment will be the inclusion of up-to-date Ecological Management Plan, Ecological Mitigation and Enhancement Strategy, Bat Mitigation Strategy, CEMP (details provided in previous consultations), and Landscape & Ecological Management Plan as referred to in Matt Cowley's letter (25<sup>th</sup> January 2012).'*

A further condition was therefore added to the report (condition no.41), seeking further information in the form of an Ecological Mitigation and Enhancement Strategy

for the works required to upgrade Barton Road, in order to deliver a net biodiversity gain at the site.

### Sewerage Requirements

The issue of sewage disposal was raised at the January meeting, and more information was requested on this subject. In order to ensure that foul water drainage and the disposal of sewage are properly dealt with at the site, strict conditions were imposed (condition nos. 33, 34 and 35) requiring details of the provision to be made for foul water drainage and the disposal of sewage from the site and of improvements needed to the public sewage disposal facilities to accommodate the development.

These conditions were attached following negotiations with South West Water, who have stated that they have no objection to the development subject to the conditions. Following the deferral in January, South West Water submitted the following information as a result of the committee's decision to seek further information on the requirement for sewerage at the site:

*'Barratt Homes approached South West Water prior to submitting the application and it was determined that capacity within the public foul sewer network was insufficient to accept the development without improvements which we will require to be funded by the applicant/developer prior to development commencing.*

*We have subsequently at the expense of Barratt Homes carried out an investigation to establish what improvements are required and established that the public sewer to which the development will connect would be sufficient subject to its prior improvement.*

*We are finalising the detailed investigation to allow us to inform Barratt Homes of the improvements costs.'*

The applicant/developer is required to fully fund the sewerage improvements prior to development commencing, through an agreement with South West Water.

### Section 106 Contributions

As stated in the original report, the application is accompanied by a viability report which states that the development incurs abnormal development costs that significantly impact upon its viability and capacity to deliver the required contributions in accordance with the Adopted Planning Obligations and Affordable Housing SPD.

The abnormal costs associated with cleansing the site (due to the previous use at the site and the existence of 3 fuel tanks) have severely impacted upon the proposed development's ability to return a profit. The site also needs extensive re-grading in order to prepare it for development, there is significant mitigation required with regards to ecology and substantial abnormal costs with regard to upgrading Barton Road to an adoptable standard.

Whilst discussions are ongoing with regards to the phasing of payments and the provision of a clawback mechanism, there is considered to be a strong case for relaxing the level of mitigation sought to be able to secure delivery of this project. In



such circumstances, it is necessary to consider prioritising the obligations, having regard to evidence of key issues in the neighbourhood and the strategic impacts generated by development. In this context the most significant impacts and policy needs are considered to be in relation to affordable housing, local schools, sport facilities (in particular in relation to swimming) and transport. In addition, it is important to address the Council's legal responsibilities relating to the growth of the city particularly in relation to the European Marine Site. This is reflected in the Heads of Terms.

Following the January meeting, at which issues of highway safety outside Hooe Primary School were raised by one of the speakers, the Council's Highways department reviewed the safety audits in relation to the proposed highway works on Hooe Road/Barton Road, and an analysis of speed surveys revealed that the approach speed of vehicular traffic travelling towards the proposed new mini roundabout on Hooe Road is higher than desired.

As a result, further negotiation with the applicants took place in order to secure funding for a scheme of highway works that will help reduce traffic speeds and enhance the local pedestrian environment. To this end the Highway Authority will seek to implement a 20mph zone between the junctions of Hooe Hill and Barton Road and/or undertake any associated works as required.

The Highways Officer therefore recommended that the applicant is required to provide a contribution of £50,000 to implement the above scheme, which will help to promote the aspirations of the developer's travel plan with regard to encouraging walking to and from the development. The developer agreed to provide an additional £50,000 to fund the above works.

It is also proposed to increase the Education contribution by £15,000. The revised Heads of Terms, which have been agreed with the applicant, are as follows:

### Heads of Terms

- a. Local schools tariff: £220,100 to be allocated to the provision of additional school places within the vicinity of the application site.
- b. Playing pitches tariff. £85,250 to be allocated to the provision of improved playing pitch facilities in the Eastern sub-area, as identified in the Playing Pitch Strategy.
- c. Local play space tariff. £10,250 to be allocated to the improvement of local play facilities.
- d. Local health tariff. £25,500 to be allocated to improvement of primary care health capacity in Plymstock.
- e. Strategic green space tariff. £105,750 to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as identified in the Plymouth Green Infrastructure Delivery Plan.



f. European Marine Site tariff. £6,100 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.

g. Strategic sports facilities tariff. £85,500 to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.

h. Transport tariff. 275,500 to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan - Eastern Corridor Whole Route Implementation Plan. £20,000 to be allocated to improving the pedestrian facilities at the existing junctions in the vicinity of Dean Cross Road and £50,000 to fund a scheme of highway improvement works that will include the implementation of a 20mph zone between the junctions of Hooe Hill and Barton Road and/or undertake any associated works as required, to help reduce traffic speeds and enhance the local pedestrian environment.

i. Public realm tariff. £5,000 to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre & University Area Action Plan.

j. The provision of 31 Affordable Housing units.

k. Nature conservation. An additional contribution of £45,000 is sought, to be spent on biodiversity enhancements as part of the off site works required to bring about a net gain in biodiversity in the area, as outlined in the applicants Ecological Mitigation and Enhancement Plan.

The provision of 31 affordable housing units, the type, size and location of which will be finalised as part of the section 106 agreement.

The agreed mitigation measures equate to £933,950.

Each planning obligation sought has been tested to ensure that it complies with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations April 2010, to enable appropriate mitigation of the impacts identified above.

#### Highway Mitigation Measures along Hooe Road and Public Transport

After the January meeting, clarification was received relating to the junction at Barton Road/Hooe Road and its impact on the existing bus stop.

It was confirmed that, as agreed with the Council's Transport Officer, the bus stop will be located on the carriageway rather than in a lay by, which is acceptable common practice, and officers within the Council's Public Transport Team consider the proposal to be acceptable. The design will include a bus boarder and also a central island with a "keep left" bollard on Hooe Road adjacent to the bus stop, meaning that once a bus has stopped, following vehicles will not be able to overtake on the approach to the roundabout. This will act as a further traffic calming and highway safety feature. The west-bound bus stop will not be as busy for passengers

boarding and buying tickets as the east-bound bus stop, and so delays to vehicles following a west-bound bus will be minimal.

### **(2) 9 February 2012**

This application was deferred at the Planning Committee meeting on 9 February for the following reason:

- for officers to investigate the reasons for refusal suggested by Members in accordance with paragraph 14.7 of the Code of Practice and to provide further information on emergency vehicles and affordable housing

Concerning the issues raised by members relating to the cost to the development of providing 30% affordable housing as opposed to the 15% proposed within this application, the applicants have provided an additional appendix to their viability report specifically addressing this issue. The appendix concludes that the cost of providing 30% affordable housing is circa £4.2 million.

The applicants have also drawn attention to their view that because of the abnormal development costs associated with the site, only a major national housebuilder could deliver development at the site due to their national buying power allowing them to purchase goods and services below BCIS (Building Cost Information Service) averages.

Consultation with the Devon and Somerset Fire Service has been undertaken and confirmation has been received that the Fire Service do not object to the planning application and that they are not opposed to the highway improvements associated with the application.

Following full consideration and having regard to the information provided in the previous 3 paragraphs, Officers strongly advise that there are no robust reasons upon which planning permission could reasonably be refused.

**Please note that the report below is the original report presented to the committee on 12 January 2012**

### **Site Description**

The site consists of a former quarry, located on the west side of Hooe Lake, adjacent to Barton Road which runs alongside the western edge of the site. The majority of the site is currently vacant apart from a compound in the north eastern corner which is being used as a storage area for boats and caravans.

The site is 7.316 hectares in area. In terms of context, immediately to the north of the site is an existing Royal Marine base and the village of Turnchapel, to the east is Hooe Lake, to the south is existing residential development (which includes Hooe Barn and a small local centre) and to the west is more residential development that sits on top of the 30 metre high quarry face cliff that defines the western boundary of the site.

There is a listed lime kiln near the south eastern corner of the site and derelict concrete block built lime kiln buildings near the centre of site. The site has been fenced and gated with no public access. Recently 3 disused MoD fuel storage silos constructed on the original quarry floor and covered with spoil material have been removed, in accordance with a previous planning permission granted to carry out remodelling at the site.

## **Proposal Description**

This application proposes to redevelop the site, in order to provide a residential development containing 222 dwellings, new public open space, ancillary access roads and improvements to Barton Road.

The approach to the layout has been to design a tight-knit development that reflects the character of a fishing village. The built form is underpinned by a perimeter block arrangement that is prevalent throughout the site, which is proposed to be regarded to create 2 different development platforms. Access to the perimeter blocks will be gained via a ring road that loops the site from a central access point off Barton Road.

An extensive area of public open space is proposed in the western part of the site adjacent to the existing cliff face, with further green space in the form of a wildlife receptor area being provided in the north western corner. The application includes proposals to upgrade the existing junction of Barton Road and Church Hill Road.

In terms of the mix of dwellings, the development proposes 3 one bed coach houses, 20 two bed apartments, 36 two bed houses, 10 two bed coach houses, 75 three bed houses and 78 four bed houses. The dwellings per hectare ratio at the site (dph) is 34.7 including both areas of public space and 44.4 including just the areas proposed to be developed. The application is made under the Council's Market Recovery Scheme and will provide 14% of dwellings as Affordable Housing, which equates to 31 dwellings

## **Relevant Planning History**

01/00736/FUL - Removal of spoil material and regrading of the land. PERMITTED 15/9/2003.

## **Consultation Responses**

### Highway Authority

Support subject to conditions.

### Environment Agency

Support subject to conditions.

### South West Water

Support subject to conditions.

### Public Protection Service

Support subject to conditions.

English Nature

Comments awaited, to be reported by addendum report.

**Representations**

There have been 96 individual letters of objection, and 110 petition style letters of objection received.

The main grounds of objection listed in the letters received include:

1. The development is out of character with the surrounding areas.
2. An increase in development will place pressure on existing services in the area.
3. Loss of habitat, wildlife and foliage.
4. Road access is inadequate.
5. Contaminated land issues relating to former uses at the site have not been adequately dealt with at the site.
6. Increased traffic movements will have a detrimental impact upon the surrounding areas and services.
7. Loss of a beautiful natural landscape.
8. There will be increased risk of flooding if the development is permitted.
9. Loss of local parking along Barton Road.
10. Issues of sewerage capacity.
11. Risk of flooding.
12. Inadequate parking provision throughout the site.

The issues raised above are considered below in the Analysis section of this report.

**Analysis**

This application raises a number of key planning issues: the principle of the development; density; design and layout matters; residential amenity standards; contaminated land issues; affordable housing; transport; nature conservation (impact on ecology and protected species); renewable energy; and section 106 obligations and measures to mitigate the impacts of the development.

Relevant national policy guidance in Planning Policy Statements (PPS) and Guidance Notes (PPG) include: PPS1 Delivering Sustainable Development; PPS3 Housing; PPS9 Biodiversity and Geological Conservation; and PPG13 Transport. The recent draft National Planning Policy Framework (NPPF) is also capable of being treated as a material consideration.

Regional Planning Guidance for the South West (RPG10) is still part of the development plan. The relevant strategic policies are: Policy SS 2: Regional Development Strategy, Policy SS 3: Sub- Regional Structure and Policy SS 17: Plymouth. The draft Regional Spatial Strategy for the South West is a material

consideration until and unless it is abolished. The key strategic policies are Policy CSS – The Core Spatial Strategy and Development Policy A.

The main Core Strategy policies relevant to the application are: CS01 Development of Sustainable Linked Communities, CS02 Design, CS15 Overall Housing provision, CS16 Spatial Distribution of Housing Sites, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS21 Flood Risk, CS22 Pollution, CS28 Local Transport Considerations, CS32 Designing Out Crime, CS33 Community Benefits/Planning Obligations and CS34 Planning Application Considerations. The guidance in the adopted Development Guidelines and Design Supplementary Planning Documents (SPD) and the adopted Planning Obligations and Affordable Housing SPD First Review apply.

### Background and Pre-application Discussions

The applicants and their agents and consultants have been involved with the site for almost 2 years and with this proposal made a formal pre-application submission using the Council's Development Enquiry Service in May 2010. Since then and now Officers have met the applicants and their team 6 times under the terms agreed within the applicant's DES pre-app in order to discuss the main planning issues raised at the site. Correspondence has also been exchanged over this time, in order to clarify negotiations and continue working towards a development that officers feel is acceptable.

The applicant has also held Public Exhibitions at local venues in order to give local people the opportunity to view and comment on their proposals. The first of these was held in October 2010 and as a result the proposed layout of the development was changed in January 2011 to incorporate some of the comments made by nearby residents. This also followed a number of arranged personal meetings with some of the closest local residents, who had specific concerns about the proposal. The changes mainly consisted of lowering the density (the scheme changed from 300 dwellings to 250), providing larger rear gardens and reducing the size of parking courts.

A further, final full public exhibition took place in March 2011 and again this was well attended by local residents. Following consideration of comments made at the exhibition and also those received in writing the density was further reduced to 225 dwellings, with the proposed area of public open space being increased and a wildlife corridor introduced in order to mitigate the impacts of the proposal on ecology at the site.

Following the conclusion of pre-application discussions a formal planning application was submitted on the 27<sup>th</sup> July 2011. Officers then met with the applicant and agent following the end of the statutory publicity period in September to discuss consultation responses and letters of representation received. Following this meeting further information was sought with regards to nature conservation issues (in particular bat surveys and a biodiversity enhancement strategy), the layout was amended although not significantly (in order to mitigate officers concerns about circulation and natural surveillance) and discussions regarding the viability of the proposal were commenced.

Negotiations have continued and officers' original concerns have been satisfied to an acceptable degree. The detail of the application is now considered to be sufficient for it to be presented to the Planning Committee.

### Principle of development

The site is a former quarry but has long been identified by the Council as a housing site. PPS3 states that local planning authorities should identify a five year supply of housing on sites that are deliverable, available, suitable and achievable drawing on information in the Strategic Housing Land Availability Assessment (SHLAA). This site is identified in the SHLAA 2009 and is included in the Annual Monitoring Statement that identifies a five year housing supply in Plymouth from 2011/12 to 2015/16.

With regards to planning policy history, the site was previously allocated for residential development (or for a mixed use development including residential) in the First Deposit Local Plan under Proposal 104 (land at Hooe Lake Quarry). This plan has now been superseded by the Local Development Framework. Since then a residential led development proposal has been anticipated at the site and thus the principle of a housing based development at the site such as the one proposed is considered acceptable.

The Sustainable Neighbourhood Assessment (SNA) for Hooe, Turnchapel and Oreston identifies a need to increase the range of different housing types and the amount of social housing in the area. It specifically shows a need for more terraced houses and higher density development, to counter balance the low average density of the area which is 17.7 dwellings per hectare and characterised predominantly by semi detached houses.

The proposal contains a mix of housing types although it is in the main characterised by rows of terraced housing, at an average density of 34.7 dph which is significantly higher than existing density levels in the area, and would meet the requirements of future developments in the area as outlined in the Hooe, Turnchapel and Oreston Sustainable Neighbourhood Assessment. It would also provide 14% of dwellings as Affordable Housing, which is higher than the area average of under 10%. The Affordable Housing offer is explained further in the main Analysis section of this report, under the heading 'Affordable Housing'.

It is considered that the principle of residential development at the site is acceptable and that the application would comply with the requirements of Policy CS01 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) by helping to meet the needs of the neighbourhood (as identified in the SNA) and by contributing to the provision of a sustainable linked community.

### Density

Density calculations can be a crude measurement in determining the quality of schemes but do provide a broad benchmark in their assessment. The density of development surrounding the site is low, at an average of just 17.7 dph, as identified in the Hooe, Turnchapel and Oreston SNA. This compares with the application of 34.7 including both areas of public space and 44.4 including just the areas proposed to be developed. The figures are slightly inflated because 20 of the units are

apartments. Density alone cannot be a reasonable reason for refusal unless it gives rise to manifest shortcomings.

PPS3 states that Local Planning Authorities (LPAs) should develop housing density policies. Paragraph 46 sets out the relevant criteria including: capacity of infrastructure services and facilities; using land efficiently; accessibility; the characteristics of the area including the current and proposed mix of uses; and achieving high quality, well designed housing having regard to the considerations in paragraph 16. The previous broad brush reference to a density of 30 – 50 dwellings per hectare (dph) in an earlier version of PPS3 has been removed. But it states that: “The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout can lead to a more efficient use of land without compromising the quality of the local area.” The draft NPPF states that LPAs should set out their own approach to housing density to reflect local circumstances. Strategic Objective 10.2 aims to promote the highest density compatible with the creation of an attractive living environment. Core Strategy policy CS01.2 states that development must be delivered at the appropriate type form, scale, mix and density in relation to its location relative to the neighbourhood’s centre.

The existence of the cliff face and the importance of ecology issues and the need to mitigate the impacts of the development on protected species and provide adequate on site levels of green space make this a difficult site to develop. These constraints further affect the density at which the site can be developed. Given the low density of the surrounding development and the established pattern of development in the area and also the lack of demonstrable harm associated with the amount of development proposed, the higher density is acceptable and in compliance with Strategic Objective 10.2 and Core Strategy policy CS01.2.

### Design, Massing and Layout

PPSI states that good design is indivisible from good planning and that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. This approach is repeated in PPS3 in paragraphs 12-13 and 48-49. The draft NPPF endorses this approach and attaches great importance to the design of the built environment. Core Strategy policy CS02 promotes well designed developments to promote the image of the city through enhanced city and local gateway locations and key approach corridors.

### Layout

The proposed layout requires the existing contours at the site to be regarded to allow for a tiered approach to its redevelopment. This includes creating 2 development platforms within the site, in order to maximise views over Hooe Lake. The plateaus created will rise from east to west. The previous application granted under ref 01/00736 and listed above in the planning history section of this report gave the owners of the site consent to remove 3 disused MoD fuel storage silos constructed on the original quarry floor (and covered with spoil material) and to re-grade the site as a level plateau some 3 metres higher than Barton Road. The principle of regrading the land has thus already been established by the granting of



this consent, and is necessary due to the vast change in levels at the site, which is currently characterised by a number of steeply sloping mounds that rise significantly from Barton Road.

The proposals to re-grade the land involve a large cut and fill exercise to achieve the tiered approach proposed and create in effect 2 development platforms. This will ensure that very little material will be required to leave the site, as the excavated land will be used to fill other areas of the site. The existing retaining wall along part of the eastern boundary of the site (adjacent to Barton Road) will be kept and extended south along the front (eastern boundary) of the site. This will be approximately 1.4 metres in height and will ensure that the development along the eastern boundary of the site will sit just above the road level. A second retaining wall is proposed within the site, behind (and to the west) of the proposed perimeter blocks in the eastern part of the site adjacent to Barton Road. This will provide a base for the second development platform that will have a localised increase in height in order to give the properties facing east views over Hooe Lake.

Access to the site is proposed from Barton Road, creating one vehicular access point into the site from the eastern boundary adjacent to the Listed Lime Kiln. From here a ring road that loops the site will provide vehicular access to all of the dwellings proposed within the site. The whole approach to the layout of the proposed development is characterised by a perimeter block arrangement that has been designed to provide active frontages facing all of the main public spaces and routes within and on the edges of the site, and to ensure there is clear distinction between public and private space within the site. The layout of the site has been arranged so that a series of perimeter blocks are situated on the lower development platform adjacent to Barton Road, providing a continual street frontage onto Barton Road, with the west facing dwellings on the opposite side of the blocks providing a continual street frontage to the new loop road proposed within the site. At the north eastern point of the site the height of the built form is increased to maximise views of the sound and to define this prominent corner with a localised increase in building height and scale. This is where the 20 apartments are proposed and this part of the development is intended to act as a focal point, providing a bespoke landmark building that defines this part of the site.

The sides of the proposed perimeter blocks provide dwellings that overlook either the pedestrian routeways that are located between some of the individual blocks or parking courts that exist between others. The whole concept has been designed in order to provide maximum natural surveillance and overlooking of all public areas within the site.

The second development platform, located within the site and through its spine will be slightly elevated from the lower platform in order to give the east facing dwellings in this part of the site views of Hooe Lake. Again, the development through the centre of the site is characterised by a series of perimeter blocks that reflect the layout of the site along the eastern boundary positioned on the lower development platform. The east facing dwellings in this part of the site will overlook the proposed ring road and face the west facing dwellings of the lower perimeter blocks, in order to create a traditional street arrangement. They will have oblique views of Hooe Lake and will provide a strong and imposing street frontage alongside the proposed



ring road. The west facing properties of the perimeter blocks on the upper development platform will provide a street frontage to the ring road in the western part of the site and natural surveillance of the proposed public open space along the western boundary of the site adjacent to the existing cliff face. This is essential and ensures the public open space within the site is well overlooked and provides these properties with pleasant views of the green space and rock outcrop. As the proposed perimeter blocks on the upper platform are larger than those adjacent to Barton Road there are less of them, therefore the sides (north and south facing dwellings of the proposed blocks) provide natural surveillance of the pedestrian routes that provide permeability through the site, with car parking being provided within the rear of the blocks.

There is a single block proposed in the north-west corner of the site which provides a street frontage on its eastern side to the ring road and on the western side provides natural surveillance and over looking of the proposed wildlife receptor area in the far north-west corner of the site.

The layout of the site has been designed to maximise pedestrian permeability and the development includes defined pedestrian links throughout the site providing easily identifiable pedestrian routes around the development and linking it with the surrounding areas, reflecting the evidence collected within the Hooe, Turnchapel and Oreston Sustainable Neighbourhoods Assessment which encourages developments to be permeable, especially for pedestrians and cyclists. Upon entering the site from Barton Road there is a clear link to the public open space proposed along the western boundary of the site, which is defined by a strong vehicular and pedestrian route that is framed by planting and landscaping to present a direct route from the east to the west of the site, also being characterised by a different surfacing material in order to emphasize the importance of the route.

The provision of a perimeter block approach to the layout of the site ensures that the site is characterised by terraces of housing, which helps to form a strong street frontage and established building line within the street scenes created within the site. There is clear distinction between public and private spaces and the proposed layout has been designed so that the rear gardens of the proposed new dwellings back onto the rear gardens of the other dwellings located within the perimeter blocks that define the layout of the site. This ensures the provision of a safe and secure environment, omitting the need for small back lanes, and is in accordance with the principles of Secured by Design.

There exists a Grade II Listed Lime Kiln in the south east corner of the site. This is proposed to be retained and will form a feature at the main entrance into the site. It will be surrounded by landscaping and will act as a gateway to the site. It is considered that the proposed development will not impact upon the Lime Kiln and that it will form an attractive feature at the entrance to the site.

The layout proposed creates a clear street hierarchy which will be easily legible, being reinforced by building height and form, continuity of facades and the structure of landscaping and boundary treatments. It is considered that the layout has achieved a balance between providing an appropriate density and ensuring residents will enjoy a decent level of private amenity space and a good quality public realm.

In summary, it is your Officers view that the proposals will provide a well thought out development that is easy to get to and move through and around (for both vehicles and pedestrians) and has public and private spaces that are safe, attractive, easily distinguished and accessible. The layout of the development is therefore considered acceptable and in accordance with Core Strategy policy CS02, CS34 and part 4 of the Design SPD.

### Design and Appearance

As stated in the section above, the layout of the proposed development is based upon a perimeter block arrangement in order to maximise active frontages and form a clear distinction between public and private spaces at the site, in accordance with the principles of Secured by Design. This approach naturally leads to the provision of a continuous built form and the provision of blocks containing terraced houses, which is typical of the fishing village appearance that the development seeks to achieve and reflective of the majority of existing development located within the nearby village of Turnchapel and the Old Wharf Development on the other side (east) of Hooe Lake.

The street scenes within the development are characterised in the main by 2-3 storey dwellings, which reflects the scale of the majority of the surrounding development. The mix of 2, 2.5 and 3 storey dwellings helps to provide some variation to the street frontage and massing of the development whilst providing continuity of building height so that the proposal has balance and uniformity with regards to building heights across the site. For example, the perimeter blocks are generally characterised by 2 storey dwellings with 2.5 (2 storeys with a dormer providing accommodation in the roof) and 3 storey dwellings used to distinguish the corners of the proposed blocks and demarcate changes in direction. This gives symmetry to the blocks whilst introducing subtle changes to the building heights. The exception is the proposed apartment block in the north east corner of the site, which is 4 storeys in height in order to define this important corner of the site and act as a focal point for the development.

The application is accompanied by a Design Codes document that ensures that the whole site follows the same design approach and the different dwelling types and apartment block contain some similar features that ensures that the scheme has balance and symmetry, through subtle repetition of features and materials. The façade detailing and proportioning throughout the site is simple to allow the colour and creative use of materials to define the streetscenes. The contemporary approach is highlighted by the use of simple porches and canopies to define entrances whilst timber clad projecting bay windows add variation to the depth of the elevations and help to give the facades rhythm and distinction.

The proposed dwellings are predominantly finished in render which is the dominant local material in this part of Plymouth. The materials strategy for the scheme focuses around the aspiration to provide a fishing village appearance containing rich, colourful and vibrant streetscenes. A mix of render shades is therefore proposed and this is complimented throughout the site by use of stonework and more subtle use of timber cladding. Openings have been maximised in order to create light and airy dwellings that provide maximum natural surveillance of the surrounding areas,

with large areas of glazing helping to present a modern appearance. Generous use of balconies throughout the site also ensures that views are maximised and this helps to give the elevations further projection and variation.

It is considered that the proposed development provides a high quality contemporary housing development that in terms of scale, massing and design is sensitive to the existing surrounding development, whilst providing a locally distinctive design solution to the development of the site, blending traditional elements of building design with a contemporary twist that ensures the proposal is not a slavish copy of the local style. The general arrangement of buildings on the site is considered to be the correct approach and is a pragmatic response to the constraints of the site. The development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) of the adopted City of Plymouth Local Development Framework Core Strategy (2007) and the Design SPD.

### Residential Amenity

It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created. It is also imperative that the relationship between the new dwellings proposed is acceptable and that each property has an adequate level of privacy and natural light.

The site is unique in comparison to most of its context in that it is a former quarry that in terms of immediate relationships with existing residential development occupies a fairly isolated location. The closest existing property to the site is situated on Barton Road (off Amacre Drive), adjacent to the southern boundary of the site. In terms of distance, the closest proposed property within the site is 18 metres away at an oblique angle. The applicants have been in discussion with the owner of this property and despite the distance between the existing and proposed properties being adequate to ensure there is no residential amenity conflict created, they have agreed to preserve the existing earthbank that defines this boundary and build it up to 4 metres in height. This will be supported by a cribblock retaining wall. These details are shown on the drawings and plans submitted with the application and will be secured via planning condition. The closest dwellings to the northern boundary of the site, also located on Barton Road, are over 25 metres away from the nearest proposed dwellings within the site and also separated by significant boundary treatment, also ensuring no issues of residential amenity conflict are created.

Existing properties to the west of the site, located on Tapson Drive, Sunderland Close and Lynch Close, sit onto of the quarry cliff and some 30 metres above the ground level of the site. These properties are therefore not affected by the application.

The existence of the cliff face provides a dramatic backdrop to the proposed development and a natural form of boundary treatment to the western boundary of the site. However, it does raise health and safety issues and mitigation is thus proposed within the site to prevent the public from accessing the cliff face and to protect them from any loose debris. In order to negate the need for unsightly netting

to the cliff face, the applicants have proposed a 10 metre buffer zone to keep people a safe distance away from the base of the rock face. This will allow for any loose debris to be caught within a no public access zone. Details of this are contained within the 'Rock Face Stability Assessment' submitted with the application and this method of mitigating the health and safety impacts raised by the existence of the cliff face is supported by the Council's Public Protection Service. The 10 metre buffer zone is proposed to be delineated by a hedge with tree planting with a more robust paladin fence behind to prevent children from accessing this space.

With regards to the relationships created between the new dwellings proposed within the site, the layout has been designed so that all new dwellings will benefit from adequate levels of residential amenity, in accordance with the guidance contained within the Council's Adopted Development Guidelines SPD. All of the proposed dwellings that are positioned back to back (within the proposed perimeter blocks) are more than 21 metres apart and all houses have private amenity space that in terms of area is in excess of the minimum guidelines contained within the SPD. Bin stores and cycle storage are also included within the development, in accordance with the guidance contained within the Development Guidelines SPD.

It is considered that the proposed development provides a good standard of accommodation for future occupiers and that the layout of the site has been arranged so that the relationship between the proposed dwellings and apartments within the site is not unacceptable. Each dwelling has its own private rear garden and there is open space within the proposed development for future occupiers of the proposed apartments to use. The application is therefore considered to be in accordance with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within the Development Guidelines SPD.

### Highways Issues

The proposed access to the site is made via Barton Road, which is currently a private road without footways. It should be noted that an earlier planning application was granted in 2003 (reference 01/00736/FUL), which has been formally implemented. This included a requirement to provide a new junction at Barton Road / Hooe Road (which has not yet been implemented). The proposed design of this approved junction will increase visibility for emerging vehicles and provide enhanced pedestrian provision. This scheme already has Highway Authority approval, in principle, and subject to signing of the necessary Section 278 Highway Agreement can be constructed under the provisions of the earlier consent, regardless of the outcome of this planning application.

However, these approved highway works must be completed prior to any development permitted by the granting of this planning application, and will thus also need to be secured via this application. This scheme is required to be implemented on site before development commences to ensure a suitable access arrangement for construction traffic is provided. A negative condition to this effect is recommended. It should be noted that the area of park required to accommodate the road scheme (already approved but also a requirement of this application) is in the control of the Highway Authority following a land transfer to the Council in 2007.

Initially the above junction was required to accommodate Heavy Goods Vehicles (HGV) movements associated with earthworks within the Quarry, as a result of the granting of application 01/00736/FUL. However, the applicant is proposing to use the same mini-roundabout configuration to serve the upgraded Barton Road and subsequent development, as part of this application.

### Transport Assessment

A Transport Assessment (TA) has been submitted to support the proposed development. This includes details of the impacts of the development on the local highway network and provides junction modelling on a number of junctions within the Plymstock area. It concludes that the impacts of the additional development trips on the network can be accommodated without detriment to network capacity.

The TA is based on 225 dwellings and has assessed the impacts on the network on the junctions at Pomphlett Road/Horn Cross, Plymstock Road / Dean Hill and Barton Road / Hooe Road. Following early discussions with the applicant, the scope of the TA was agreed and it was accepted that Pomphlett Road to Billacombe Road did not require modelling. This area is covered under the City Council's Eastern Corridor scheme and is tentatively programmed for improvements in 2013/14. As such any development impacts will be accommodated within this scheme, to which the developer is required to make financial contribution towards (see section below titled Section 106 Obligations).

To put the impacts in this area into context, the TA concludes that two-way traffic flow would increase by 9% (85 two-way movements or 1.4 cars a minute on average) in the AM peak hour and 7% (94 cars or 1.6/minute on average) in the PM peak hour. This has been calculated by using existing data, taken from video surveys carried out by the applicant, and applying development trips and general growth up to the year 2016. However, these flows are calculated to the north of the traffic signals at the junction of Pomphlett Road / Dean Cross Road. Some of this 'growthed' traffic will dissipate into the Oreston area, Morrisons supermarket, Breakwater Road and into residential areas before it reaches Billacombe Road. As such these increases in traffic will be significantly less on Billacombe Road itself.

Although they are not linked the junctions at Pomphlett Road / Dean Cross and Plymstock Road / Dean Hill are close enough together that any changes to one has a knock-on effect to the other. The applicant has analysed both junctions with and without development up to the year 2016, including general traffic growth. It can be argued that by adding growth onto traffic flows and also adding development traffic that the increase is 'double counting' to some extent. However, this makes the results very robust and gives a worst case scenario.

The TA concludes that these junctions will operate with capacity on all arms at peak hours, which is the standard method for traffic modelling. However, in order to take account of daily variations it is assumed that anything over 85% capacity will need reviewing. In this instance Pomphlett Road and Dean Cross Road start to exceed this level with a worst case of 91.9% capacity. Thus further scrutiny of these results was required.

The junctions were modelled using a pedestrian call on every cycle of the lights. Having checked with Traffic Controllers the existing pedestrian calls only occur, on average, every 3 cycles (approx every 6 minutes). Without any pedestrian calls the capacities of these arms are reduced to 77.8% (worst case) capacity. Therefore, the models show an under-estimation of capacity at the junctions and the actual capacity would fall somewhere between the two.

The Council is currently funding a series of measures to enhance the pedestrian facilities in the vicinity of the above junctions, whilst upgrading the systems to use low voltage signals. Apart from the operational cost benefits and the energy saving, the upgrade works will gain further capacity for both exiting and future highway users so will benefit the wider community. Due to the impacts of the development traffic, adding to the existing network, the developer has agreed to pay a financial contribution of £20,000 towards the scheme which will be used at the discretion of the City Council.

The proposed junction at Barton Road / Hooe Road has been shown to operate with no capacity issues. The method of assessing traffic impacts on the network is based on 'worst case' scenario and does not take into account any Travel Plan measures that are being offered as part of the development, which will be discussed later in this report. It is accepted that the network can accommodate the development impacts. Traffic impacts, from the development, will increase gradually as properties are built up to the design year of 2016.

The TA has been independently audited by an external consultant, working on behalf of the Council, for robustness and was subsequently accepted to give a true representation of the traffic impacts from the development.

### Access and parking

The site is served via Barton Road which, at present, is a private single track, unlit access way with passing places. It is not to current Highway adoption standards. Discussions have been held with the applicants Engineering Consultant to agree the works required to bring Barton Road up to an adoptable standard which is suitable to serve the development and the existing properties.

The submitted scheme for Barton Road has been designed to have minimal impact on the foreshore and as such the existing footprint has been used, where possible. In order for the road to be made to an adoptable standard it must accommodate vehicles, cyclists and pedestrians. To this end a two-way carriageway of a minimum 4.8metres will be provided with a footway of 1.8metres. A 4.8m carriageway will allow a wide car to pass a large service vehicle in free flow conditions.

The road will be designed to a 20mph speed limit with road narrowing features enforcing priority flows. Such features will reduce the carriageway to 3.8m which is sufficient for a vehicle to pass a cyclist. Due to the design speed it is acceptable to allow cyclists to share the carriageway without the need for segregation. The locations of the build-outs allow for refuge of pedestrians accessing existing gardens of adjacent properties and also a seating area with views across the lake. Suitable guard railing will be required along the back edge of the footway to provide



protection to users against the drop into the foreshore. Access points onto the foreshore will need to be retained.

The plan layout of the proposed amendments has been agreed in principle but the construction and method of construction can be agreed under the provision of Highway Agreements and secured by way of a condition. The works must be completed up to an agreed standard prior to occupation of any dwelling within the development site. The road will be adopted under Section 38 Highways Act 1980.

Due to the complexity of the improvements scheme a strict code of practice is needed and will be secured via planning condition, to ensure access rights are protected where required.

The development site itself has been designed to encourage low speeds, with good pedestrian permeation and is in accordance with Manual for Streets and local design guidance. A mix of standard street forms and shared spaces provide an adoptable standard estate road which promotes pedestrian links between Turnchapel and Hooe. Again the adoption of the estate road will be subject to a Section 38 Highway Agreement and as such street detail conditions are attached to secure the detail.

The estate road is made up of a residential access road in a loop with a pedestrian/cycle shared link to the North of the site, which leads towards Turnchapel. This has been designed to act as an emergency link, should the main estate be blocked for any reason. However, with the proposed looped estate road it is highly unlikely that this route will be used for any vehicles. Secondary pedestrian-only access routes are also provided onto Undercliff Road.

Steps have been designed into the estate road layout to accommodate the gradients. Although it is preferable to have all footways at grade it is acceptable in this instance. Without steps the other option is very large retaining walls which would be costly and unattractive. Alternative level routes are available for the mobility impaired throughout the development site.

The construction and surfacing arrangements of the estate road will be agreed under the provisions of the Section 38 process but the submitted plans give an indication of the mix between tarmac and block paved streets.

Space for the provision of a bridge across Hooe Lake for pedestrians and cyclists (as required in previous, now superseded planning policies) has been safeguarded within the site. The plans have identified an area of land adjacent to plot numbers 42 and 53. This will enable any future bridge to land with a width of 3 metres and has made provision for diverted footway around any future structure. This apron will be adopted as highway to secure the land should the bridge come forward.

It is not deemed necessary to request a financial contribution towards the bridge at this time as there are no plans for the link in the immediate future. As such any monies collected would be unlikely to be spent in the required timeframe. However, it is considered that the developer has safeguarded the opportunity to provide a future bridge link and that the application does not prejudice the opportunity to land a bridge within the site at some point in the future.

The residential properties comprise of a mixture of 1 and 2 bed apartments and 2, 3 or 4 bed houses. The developer has complied with the Council's Development Guidelines SPD with regards to parking standards and is proposing a maximum of 2 spaces per house and 1 space per apartment. The parking provision includes a mix of on-plot spaces, garages and parking courts. Some additional on-street visitor parking is proposed by way of lay-bys on the side of the proposed estate road. These will be unallocated and form part of the future adopted highway.

In summary 201 dwellings have 2 parking spaces and 21 have 1 parking space, 423 in total, inclusive of 44 disabled spaces (1 space per Lifetime home). There is an additional 14 spaces on-street which are not be allocated to properties. These will form part of the adoptable highway network and will be available for visitors.

It is considered that the developer is meeting the car parking demands arising from the proposed development and its likely associated car ownership levels.

The application provides cycle storage at a ratio of 1 space per dwelling, in the form of garage storage or by providing a shed, and 1 space per 2 apartments in the form of secure shelters. This conforms to the current standards for cycle parking and a condition is attached in order to secure this.

### Travel Plan

A Travel Plan has been submitted to discourage car use by future residents. Although a Travel Plan is an ongoing working document a framework has been discussed and agreed with the Council's Travel Plan Officer. Modal shift targets are supplied to specifically promote individual travel modes. However, in this instance the impetus has been put upon reducing car use and any other modes are encouraged. The Travel Plan will ensure that the traffic impacts will not increase above those measured within the Transport Assessment.

The site lies within walking distance of local shops, services and public transport routes which also includes a ferry service towards the Barbican, and thus a good link into the City Centre. Officers consider that there are good opportunities for future residents to use alternative modes of transport to and from the site. Obviously any reductions in car trips will further reduce the impacts on the network, which were assessed under 'worst case' conditions within the TA.

The applicant has proposed a series of measures within the Travel Plan which will be monitored by the City Council over the lifetime of the Plan. The measures will form part of a legal obligation between the developer and the City Council to promote sustainable travel and will be secured and controlled within accompanying Section 106 agreement.

The Travel Plan proposes that each property, upon first occupation, will be provided with a travel plan information pack outlining the commitment to the Plan. Each pack will include, amongst other things, a voucher to the value of £250 (per dwelling at 222 dwellings - £55,500 in total) which can be used towards the purchase of a bicycle, a bus ticket or a ferry concession ticket. Future residents will be given the choice to ensure that the most appropriate travel mode is promoted for each



individual property. The developer will commit a sum of £100 per dwelling (£22,200 in total) to cover the cost of running the Travel Plan over a 5 year lifetime.

All associated admin costs with the Travel Plan will be met by the developer which will include the requirement to appoint a Travel Plan Co-ordinator. This role will be responsible for administering the Plan and liaising with Council Officers during the course of the Plan. If the agreed targets, to reduce car journeys, are not met the applicant has agreed to contribute a further £75 per dwelling (£16,650 in total) to be invested in further measures. Surveys will be undertaken after 3 months of occupation of the 80<sup>th</sup> dwelling to gain baseline data on residents travel patterns and modes. This data will be used to determine proposed targets.

The provision of cycle storage for each dwelling and the improvements to Barton Road will help to promote cycling and walking and with the Travel Plan secured and implemented the developer has made a real commitment to offer a sustainable development. For the reasons outlined above, the application is considered to be in accordance with policy CS28 (Local Transport Considerations) of the Core Strategy and the advice contained within the Development Guidelines SPD on parking standards and PPG13 (Transport).

### Nature Conservation and Biodiversity

The application is accompanied by an Ecological Impact Assessment, Bat Mitigation Strategy and Ecological Mitigation and Enhancement Strategy. The site is of ecological value for several rare, notable and protected species and one Biodiversity Action Plan (BAP) habitat including:

- Bats
- Badgers
- Reptiles
- Invertebrates/plants
- Breeding Birds
- Calcareous grassland

### Bats

A series of bat surveys have been undertaken between March and September 2011. Three caves within the quarry contained non breeding summer and autumn roost sites for greater horseshoe bats and lesser horseshoe bats. The caves are also considered likely to be used by these species for hibernation.

The application proposes a series of mitigation measures during construction. The caves containing bat roosts will be retained in situ and an exclusion zone of 30 metres will be established from each roost. In addition an exclusion zone 10 metres wide will be established along the base of the quarry wall. The exclusion zones will be delineated by Heras fencing and an acoustic screen. These measures and others, including timing, lighting and further ecological monitoring as outlined in the Bat Mitigation Strategy are considered to be acceptable to the Local Planning Authority's Nature Conservation Officer.

In addition, the development incorporates the following mitigation:

- A minimum of 25 bat tubes installed within new buildings proposed at the site
- Lighting to be maintained at a maximum of 0.5 Lux along the western boundary of the site
- Limiting access to the caves through installation of appropriately designed grills
- Ecological monitoring of the bat populations within the caves for 3 years post construction
- Natural England license application if necessary

### Reptile translocation

It is proposed that reptiles (slow worm and common lizard) are excluded and translocated from the site (at the appropriate time of year) to 2 receptor sites (Jennycliff and Radford Woods). This will minimise harm to these species and ensure their long term survival in this locality.

### Nesting Birds

Any bird nesting habitat will be removed outside of the bird nesting season. A minimum of 20 sparrow terraces will be incorporated into new buildings and 10 standard nesting boxes will be installed on mature trees within the site.

### Badgers

The site will be re-surveyed prior to earth moving operations and if necessary a license from natural England will be obtained. The active badger sets at the site will be retained within the receptor area in the north western part of the site.

### Invertebrates

The mosaic of habitats currently present at the site will be significantly reduced due to the proposed development. The proposed receptor area will retain some of these habitats.

### Receptor area (in the north-west of the site).

There is currently an area in the north west of the site that contains the following habitats: broadleaved woodland, scrub and grassland. This is proposed to be retained and will be enhanced using topsoil from areas of botanical interest from within the site. In addition, toadflax leaved St-John's-wort (a notable plant) will be moved by hand into the receptor site. This area will be monitored and managed for a period of 10 years post construction.

### Off site habitat creation

Policy CS19 (Wildlife) requires the development to achieve a net gain in biodiversity. The mitigation described above alone does not deliver this, as the majority of the site will be developed. The applicant is therefore proposing that parts of 2 local greenscape areas (Jennycliff and Radford Woods) in the ownership of the Council are enhanced and managed as wildflower meadows for a period of 10 years post construction. Wildflower meadows are beneficial for invertebrates, plants, reptiles, birds and bats. The provision of 4 log piles and 2 hibernacula will be incorporated on these sites, for the benefit of reptiles. These meadows will be secured within the Section 106 Agreement. It is considered that these measures will achieve a net gain in biodiversity in accordance with Policy CS19 (Wildlife) of the Core Strategy.

### Access Road Impacts

At present an EclA (Ecological Impact Assessment) for the area of highway improvements adjacent to Hooe Lake (a County Wildlife site) has not been received. It is considered any mitigation will need to be included in the EMES.

### Consultation with Natural England (NE)

Comments are still awaited from NE with regards to much of the information that has been submitted. Comments from NE will be reported in an addendum report.

It is considered that subject to the submission of further, acceptable information, the application (through on site and off site mitigation) will deliver biodiversity benefits that are in accordance with Policy CS19 (Wildlife) of the Core Strategy.

### Public Protection Issues

The Councils Public Protection Service (PPS) have been consulted with regards to the impacts that the development may have on existing residents and also any impact that existing features may have on the proposed development. They have considered impacts from noise, air quality and contaminated land.

Although potential adverse impacts have been identified, PPS have advised that these can be mitigated during the course of development.

During the construction phase the applicant will be required to abide by a Code of Practice for Construction and Demolition, this will address all of the environmental impacts from the development during the construction. They have identified mud on roads as being a specific problem and have therefore provided an addendum to their consultation response asking for a condition that ensures appropriate wheel washes are installed prior to any earth movement on site.

The issue of contaminated land has been subject to a number of technical reports and PPS have been visiting the site regularly whilst cleansing of the site is being undertaken. The site is a former MOD fuel depot and as such there is a level of contamination on site that has to be mitigated before any development can commence. The applicant is currently liaising with both PPS and the Environment Agency to agree the best way to deal with existing contamination at the site. Local residents have expressed concerns about the way that contamination is dealt with on the site; however, PPS's technical expert in contamination is happy that contamination has been dealt with diligently and in accordance with best practice. Contamination represents a significant cost for the developer but will see a heavily contaminated site brought back into use in a safe manner, it is also hoped that the clean up on site will have a positive impact on the contaminant levels in Hooe Lake.

The applicant will be required by condition to submit a noise impact assessment for approval with potential mitigation against noise impacts likely to be in the form of triple glazing or acoustic insulation, but this is unlikely as there are no significant noise generating uses nearby. Air Quality is not considered to be a problem because there are no identified air quality issues in the area.

### Affordable Housing

The delivery of affordable housing development is one of the top Corporate priorities for Plymouth City Council. The policy context for its provision and delivery is set out in paras.10.17-10.24 of the Core Strategy and policy CS15 (Overall Housing Provision). With such high levels of Affordable Housing need consistent delivery of affordable housing units can cumulatively make a big difference to catering for the City's overall housing need.

The need for the delivery of affordable housing in the city is greater than total annual housing provision. Plymouth's Housing Register of those in proven housing need, has risen sharply from 6625 (13/01/2010) to 11,790 (20/10/2011).

The applicant has asked for the application to be considered under the City's Market Recovery Initiative and as such seek only to provide 15% affordable housing on site. The applicants have discussed the rationale behind their proposals openly with the Council's Strategic Housing Officers. Based on the information submitted with the application and the affordable housing mix proposed, the Council's Strategic Housing Service has stated that they support the affordable housing offer.

Following discussions with the applicant a revised layout has been submitted, which reflects initial discussions that were had a pre-application stage, under the Council's Development Enquiry Service. This has resulted in an offer of 31 units of affordable housing. This equates to 14% affordable housing onsite with nil public subsidy. Despite the reduced level, a suitable and sustainable location and mix of properties and tenure has been achieved. Whilst a few details are yet to be finalised with the applicant and subject to agreement of all parties, the Strategic Housing Service are happy in principle with the offer.

The offer of affordable housing includes:

- Affordable housing that is fully integrated with the proposed market units in terms of materials and build quality and are tenure blind in design.
- A tenure split that will meet the policy requirements of CS15 of 60% social rent and 40% intermediate housing, such as shared ownership. The detail of the tenure split will be secured in the supporting Section 106.
- Adequate, car, motorcycle and cycle parking spaces. This will also be secured by planning condition and in the Section 106.
- Delivery by a Housing Association partner – Spectrum Housing. Officers are encouraged by the applicants wish to use one of our Housing Departments preferred partners to deliver the affordable housing.

As submitted, subject to finalising a few minor details, the Housing Strategy team has stated support in principle for the affordable housing offer contained within this application.

### Lifetime Homes

Policy CS15 of the Core Strategy requires that 20% of all new dwellings shall be constructed to Lifetime Homes Standards. Lifetime homes allow for the 'future proofing' of all new dwellings so that they can be adapted over time to suit the needs of occupants as their lifestyles change due to age or other factors.

To comply with policy CS15 (4), the proposed development includes proposals to provide 20% of the total number of units as Lifetime Homes, which equates to 44 units on site. In order to secure the delivery of the units proposed as Lifetime Homes a condition is attached

### Sustainable Resource Use

Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the period 2010 – 2016.

In order to meet the requirement of Policy CS20 it is proposed to have Photovoltaic (PV) Panels installed on the roofs of the proposed dwellings. Photovoltaic panels are almost flush with the roofline and will only have a minimal visual impact. They generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of PV Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

The Sustainable Resource Use report submitted with the application confirms the use of PV panels as the chosen technology to meet the requirements of Policy CS20, and includes calculations to demonstrate that the required energy savings can be achieved at the site. It also contains a plan confirming the properties that will have PV panels installed at the site. This equates to 80% of the total number of dwellings, due to the site being a former quarry with levels of shadowing being slightly higher than a more conventional site. However, despite all of the proposed dwellings not being appropriate for the use of PV panels, the energy savings required by Policy CS20 can still be achieved across the site. Provision of the proposed PV panels is proposed to be secured by planning condition.

### Other Issues

Of the issues raised in the letters of representation received, most have been considered in the sections above, under the main analysis section of the report and under the relevant sub headings. However, issues of sewerage capacity, which have been raised in a number of representations received, have not been. With regards to this, South West Water have been consulted on the application and stated support, subject to conditions being attached to any grant of consent requiring further details of improvements to public sewage disposal facilities being agreed and implemented. South West Water have considered the application and would not support it if the impacts of the development could not be mitigated by improving the existing sewerage systems, which shall be at the developers cost. Any impact on existing foul sewerage systems can therefore be mitigated, hence conditions are attached to deliver and secure improvements to existing foul sewerage systems to ensure that the development does not have any adverse impacts upon the surrounding area.

Issues of flood risk have also been raised. Following consideration of flood risk issues the Environment Agency confirmed in their letter of the 23<sup>rd</sup> November 2011

that they do not have any objection to the application subject to conditions being attached to secure surface water drainage improvements at the site, in order to prevent the increased risk of flooding and minimise the risk of pollution of surface water, by ensuring the provision of a satisfactory means of surface water control and disposal during and after development. It is therefore considered that subject to improvements required by condition, the application would not have any adverse impacts with regards to flooding at the site. The application is thus in accordance with Policy CS21 (Flood Risk) of the Core Strategy.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Section 106 Obligations**

Planning obligations have been sought in order to help mitigate the infrastructure impacts of the development and satisfy the policy requirements for the proposal, pursuant to Core Strategy Policy CS33 and the Planning Obligations & Affordable Housing Supplementary Planning Document.

#### Infrastructure impacts

The impacts relate to the following areas:

1. Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is a deficiency of school places in the locality given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £470,250.

2. Local health infrastructure. The development will create an additional demand upon local health facilities. The Primary Care Trust has provided evidence that capacity in the locality of the development is substantially deficient for meeting the needs of the population growth in this area. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £78,700.

3. Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £210,200.

4. Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically through the need for play facility improvements. The estimated cost of mitigating this impact is £82,500.



5. Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £250,250.

6. European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £6,100.

7. Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £165,250.

8. Transport. There are 2 different types of transport impact. The first relating to local impact upon the junctions at Dean Cross and Horn Cross and the second being the impact of the increased population facilitated by the development and the increased demand for journeys, which will have a cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating both of these impacts is £789,600. £20,000 to mitigate the impact upon the local junction and £769,600 to mitigate the impacts on the strategic highway network.

9. Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £19,700.

### Policy requirements

In addition to these infrastructure impacts, consideration needs to be given to the seeking of planning obligations in relation to relevant policy requirements, most particularly:

1. Provision of affordable housing, in accordance with Core Strategy Policy CS15. The application provides for 31 affordable homes, which represents 14% of the total development.

2. The provision of a net gain in biodiversity, in accordance with Core Strategy Policy CS19. The applicant's ecologist has acknowledged that the scheme does not provide net biodiversity gain on the site.

### Other considerations

The applicants have asked for the application to be considered under the Council's Market Recovery Scheme, which allows reductions to the contributions required to mitigate the impacts of the proposal and for Affordable Housing levels to be reduced from 30% to 15%, subject to the findings of a viability report. The applicants submitted a viability report that demonstrated that the site incurred abnormal development costs and this was found to be sound by the Local Planning Authority.

The abnormal costs associated with cleansing the site (due to the previous use at the site and the existence of 3 fuel tanks) have severely impacted upon the proposed developments ability to return a profit. The site also needs extensive re-grading in order to prepare it for development and there is significant mitigation required with regards to ecology.

Whilst discussions are ongoing with regards to viability, in particular the proposed phasing of payments and the provision of a clawback mechanism, there is considered to be a strong case for relaxing the level of mitigation sought to be able to secure delivery of this project. In such circumstances, it is necessary to consider prioritising the obligations having regard to evidence of key issues in the neighbourhood and the strategic impacts generated by development. In this context the most significant impacts and policy needs are considered to be in relation to affordable housing, local schools, sport facilities (in particular in relation to swimming) and transport. In addition, it is important to address the Council's legal responsibilities relating to the growth of the city particularly in relation to the European Marine Site. The recommended head of terms set out below reflect these priorities.

### Recommended heads of terms

The Heads of Terms have not yet been agreed with the applicant. The section sets out the Council's initial position. Officers are willing to continue negotiating with the applicant on a revised proposal.

The following Heads of Terms are proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

- a. Local schools tariff: £205,100 to be allocated to the provision of additional school places within the vicinity of the application site.
- b. Playing pitches tariff. £85,250 to be allocated to the provision of improved playing pitch facilities in the Eastern sub-area, as identified in the Playing Pitch Strategy.



- c. Local play space tariff. £25,250 to be allocated to the improvement of local play facilities.
- d. Local health tariff. £25,500 to be allocated to improvement of primary care health capacity in Plymstock.
- e. Strategic green space tariff. £105,750 to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as identified in the Plymouth Green Infrastructure Delivery Plan.
- f. European Marine Site tariff. £6,100 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.
- g. Strategic sports facilities tariff. £85,500 to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.
- h. Transport tariff. £275,500 to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan - Eastern Corridor Whole Route Implementation Plan. £20,000 to be allocated to improving the pedestrian facilities at the existing junctions in the vicinity of Dean Cross Road.
- i. Public realm tariff. £5,000 to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre & University Area Action Plan.
- j. The provision of 31 Affordable Housing units.
- k. Nature conservation. An additional contribution of £45,000 is sought, to be spent on biodiversity enhancements as part of the off site works required to bring about a net gain in biodiversity in the area, as outlined in the applicants Ecological Mitigation and Enhancement Plan.

The applicant's provision of 31 affordable housing units is welcome. The type, size and location will be finalised as part of the section 106 agreement. The other agreed mitigation measures equate to £863,950.

Each planning obligation sought has been tested to ensure that it complies with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations April 2010.

### **Equalities & Diversities issues**

The application provides a range of house types and will be available to all equality groups including affordable units suitable for young families and people on lower incomes. Properties will comply with Lifetime Homes standards suitable for people with disabilities and the elderly and frail. The application therefore does not have any adverse impacts on any equality groups.

### **Conclusions**

The proposal supports the city's ambitious growth agenda in providing 222 dwellings, much needed homes of different sizes including 31 affordable dwellings and 44 Lifetime Homes. This would increase the catchments for the local centres and help in part in creating sustainable linked communities in Hooe and Turnchapel to comply with Core Strategy policies CS01, CS15 and CS16.

The applicant has agreed to sign up to a Section 106 Agreement to mitigate the impacts of the development on the local and strategic infrastructure. These include the substantial contributions of nearly £900,000 to comply with Core Strategy policy CS33.

There are difficulties developing the land given the site's constraints which in part have led to a lengthy negotiation period over the last year or so to achieve an acceptable standard of development. The applicant has worked with officers to address several areas of concern. The principles of the design, layout and appearance have been agreed. Highways issues have now been resolved and nature conservation mitigation measures have been agreed in accordance with Core Strategy policies CS18 and CS19. On-site renewable energy production will be provided in compliance with Core Strategy policy CS20.

For these reasons the application is recommended for approval. However, if the Section 106 agreement is not completed by 8 July 2012, delegated authority to refuse is recommended because the application would not mitigate the infrastructure impacts of the development.

### **Recommendation**

In respect of the application dated **09/08/2011** and the submitted drawings 102/10/1B, 102/10/2B, 100L\*, 101, 102A\*, 103A, 104A\*, 105A\*, 106A, 107C, 110A, 111A, 199, HLP.LS.01B, HLP.LS.02B, 140B, 141, 142, 143, 144, 150A, 151A, 152, 153, 154, 155, 156A, 157A, 158A, 159B, 160A, 161B, 162A, 163B, 164A, 167B, 168B, 169B, 170B, 171A, 172B, 173B, 174B, 175A, 177A, 178A, 179A, 180B, 181A, 182B, 183A, 184A, 185A, 186B, 187A, 188A, 191B, 192B, 193, 194, 195, 196, 197, 198, 199, 201C, Design Codes, Lime Kiln Method Statement, Arboricultural Report (JP Associates), Archeological Assessment (Exeter Archaeology), Solar Shading Study, Sustainable Resource Use rv.A, Rock Slope Stability Assessment (Hydrock), Transport Assessment (Key Transport), Interim Travel Plan (Key Transport), Remediation Report (Hydrock), Statement of Community Involvement (remarkable engagement), Ecological Impact Assessment - July 2011, Bat Mitigation Strategy - November 2011, Ecological Mitigation & Enhancement Strategy - December 2011, Flood Risk Assessment, and accompanying Design and Access Statement, it is recommended to: **Grant conditionally subject to S106**

### **Obligation**

### **Conditions**

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1) The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

#### SITE CHARACTERISATION

(2) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

#### SUBMISSION OF REMEDIATION SCHEME

(3) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as 2009 contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(4) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

### REPORTING OF UNEXPECTED CONTAMINATION

(5) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 2, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 3, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

### SOUND INSULATION

(6) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB LAeq for living rooms

(0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Reason

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

SOUND INSULATION VERIFICATION

(7) Details of the sound insulation verification methodology including the identification of the appropriate test properties and subsequent sound insulation verification results for each phase or part of a phase of residential development shall be submitted to and approved in writing by the local planning authority before any dwelling or building is occupied in that phase or part of that phase of development.

Reason:

To ensure that the proposed dwellings hereby permitted achieve the standards of noise attenuation set out in above condition so the properties achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

STREET DETAILS

(8) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ROAD ALIGNMENT AND DRAINAGE

(9) Development shall not begin until details of the vertical alignment for the new street areas have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

#### COMPLETION OF ROADS AND FOOTWAYS

(10) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 9 above before the first occupation of the penultimate dwelling.

##### Reason:

To ensure that an appropriate and safe access is provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### ACCESS

(11) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

##### Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PROVISION OF PARKING AREA

(12) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

##### Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

#### CYCLE STORAGE

(13) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

##### Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### GRAMPIAN

(14) No development shall commence on site until the proposed access and improvements to the existing highway at the junction of Barton Road and Hooe Road shown on the approved plans have been completed.

##### Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### GRAMPIAN

(15) No dwelling shall be occupied until the proposed improvements to Barton Road, in accordance with details to be submitted to and approved in writing, have been completed to an agreed standard suitable to serve residential development. Furthermore, the improvement works shall be fully completed to an adoptable standard, in accordance with the approved plans, prior to occupation of the penultimate dwelling.

#### Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### CODE OF PRACTICE DURING CONSTRUCTION

(16) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

#### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### TRAVEL PLAN

(17) No dwelling shall be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage staff to use modes of transport other than the private car to get to and from the development site. It shall also include arrangements for monitoring the use of provisions available through the operation of the RTP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of first occupation the developer shall operate the approved RTP.

#### Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### LANDSCAPE DESIGN PROPOSALS

(18) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation for the whole site including the woodland area have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing



materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SOFT LANDSCAPE WORKS

(19) Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LANDSCAPE WORKS IMPLEMENTATION

(20) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LANDSCAPE MANAGEMENT PLAN

(21) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas including the woodland area based on the Management and Enhancement Plan dated 4 November 2011 other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SURFACE WATER DRAINAGE

(22) No development approved by this permission shall be commenced before a



scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) details of the drainage during the construction phase;
- (b) details of the final sustainable drainage scheme;
- (c) provision for exceedance pathways and overland flow routes;
- (d) a timetable of construction;
- (e) a construction quality control procedure; and
- (f) a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CONTAMINATION INVESTIGATION

(23) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- A) A preliminary risk assessment which has identified:
  - (a) all previous uses;
  - (b) potential contaminants associated with those uses;
  - (c) a conceptual model of the site indicating sources, pathways and receptors; and
  - (d) potentially unacceptable risks arising from contamination at the site.
- B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C) The results of the site investigation and detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To identify whether existing contamination identified at the site presents a significant risk to groundwater and to prevent pollution of nearby surface waters, in

accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### UNSUSPECTED CONTAMINATION

(24) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

#### Reason:

To prevent pollution of controlled waters, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DETAILS OF BOUNDARY TREATMENT

(25) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### EXTERNAL MATERIALS

(26) No development shall take place until a schedule of materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SURFACING MATERIALS

(27) No development shall take place until details of all surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### WHEEL WASHING

(28) Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved by the Local Planning Authority and shall be installed before the development hereby approved is first commenced, and once installed such facilities shall be used at all times to prevent mud and other debris being deposited on the highway(s) during the construction of the development hereby permitted.

#### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUSTAINABLE RESOURCE USE

(29) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be completed in accordance with the Hooe Lake Sustainable Resource Use Report (Ref: CS20/SKH/revA, July 2011). This identifies and proposes the use of Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production.. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods (in this case Photovoltaic Cells) shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

#### Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

#### LIFETIME HOMES

(30) The development shall be constructed strictly in accordance with the drawings hereby approved showing 45 units within the development to be constructed to Lifetime Homes standards (plots 1, 2, 3, 4, 41, 52, 68, 69, 90, 91, 96, 97, 98, 106, 107, 114, 115, 116, 117, 118, 119, 128, 136, 144, 145, 151, 164, 171, 172, 173, 174, 185, 186, 187, 189, 190, 191, 196, 197, 198, 202, 203, 204, 205, 206.) The layout of the floor plans hereby approved shall be permanently retained for so long as the development remains in existence, unless a further permission is granted for the layout of these units to change.

#### Reason:

In order to provide 20% Lifetime Homes at the site, in accordance with Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

#### BIODIVERSITY

(31) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment (dated May 2011) by Richards Ecology, the EAD Ecological Enhancement and Mitigation Strategy (December 2011), the EAD Bat Mitigation Strategy (November 2011) and the Ecological Impact Assessment Report (July 2011) by Richards Ecology. In addition, further details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- A minimum of 25 bat tubes installed within new buildings at the site;
- A minimum of 20 sparrow terraces to be incorporated into new buildings at the site;
- A minimum of 10 standard nesting boxes to be installed on mature trees within the site.
- Precise details of the proposed receptor area in the north-west corner of the site, including information on proposed habitats and management arrangements for this area.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

#### FURTHER DETAILS

(32) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: further details of the layout, planting, landscaping and boundary treatment of the proposed Public Open Space and the hedge and tree planting proposed to define the 10 metre buffer zone adjacent to the cliff face (which shall include details of a 2.0 metre paladin fence). The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### FOUL WATER DRAINAGE AND DISPOSAL OF SEWAGE

(33) Prior to the commencement of development, details of the provision to be made for foul water drainage and the disposal of sewage from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PUBLIC SEWAGE DISPOSAL FACILITIES

(34) No building hereby permitted shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewage

disposal facilities, rendered necessary by the development, have been completed to the Local Planning Authorities satisfaction.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SEWAGE DISPOSAL/DRAINAGE WORKS

(35) None of the dwellings shall be occupied until the infrastructure works have been completed in accordance with the submitted plans.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### APPROVED PLANS

(36) The development hereby permitted shall be carried out in accordance with the following approved plans: 102/10/1B, 102/10/2B, 100L\*, 101, 102A\*, 103A, 104A\*, 105A\*, 106A, 107C, 110A, 111A, 199, HLP.LS.o1B, HLP.LS.o2B, 140B, 141, 142, 143, 144, 150A, 151A, 152, 153, 154, 155, 156A, 157A, 158A, 159B, 160A, 161B, 162A, 163B, 164A, 167B, 168B, 169B, 170B, 171A, 172B, 173B, 174B, 175A, 177A, 178A, 179A, 180B, 181A, 182B, 183A, 184A, 185A, 186B, 187A, 188A, 191B, 192B, 193, 194, 195, 196, 197, 198, 199, 201C.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### EXISTING TREE/HEDGEROWS TO BE RETAINED

(37) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is shown on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of occupation of the last dwelling forming part of the development.

(a) Notwithstanding the details shown on drawing no. 100L\*, no existing tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) before any equipment, machinery or materials are brought

onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

#### TREE PROTECTION DURING CONSTRUCTION

(38) The existing trees and hedgerows shown on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PROVISION FOR TREE PLANTING

(39) No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### TREE REPLACEMENT

(40) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:



To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are subsequently properly maintained, if necessary by replacement.

#### ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

(41) Prior to development on site commencing, an Ecological Mitigation and Enhancement Strategy for the highway improvement works required to upgrade Barton Road adjacent to Hooe Lake, shall be submitted to and approved in writing by the Local Planning Authority. This shall be based upon the Hooe Lake CWS Ecological Impact Assessment (EclA) (January 2012) and shall deliver a net biodiversity gain.

#### Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

#### INFORMATIVE: SECTION 278 AGREEMENT

(1) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

#### INFORMATIVE: SECTION 38 AGREEMENT

(2) Any of the roadworks included in the application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980.

#### INFORMATIVE: PUBLIC HIGHWAY

(3) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

#### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be the principle of development and impact upon visual amenity, the local highway network and ecology, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily

removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport  
PPS3 - Housing  
PPS9 - Biodiversity and geological conservation  
PPS1 - Delivering Sustainable Development  
PPS22 - Renewable Energy  
PPS23 - Planning & Pollution Control  
CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS20 - Resource Use  
CS21 - Flood Risk  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision  
SPDI - Development Guidelines  
NPPF - Draft National Planning Policy Framework 2011



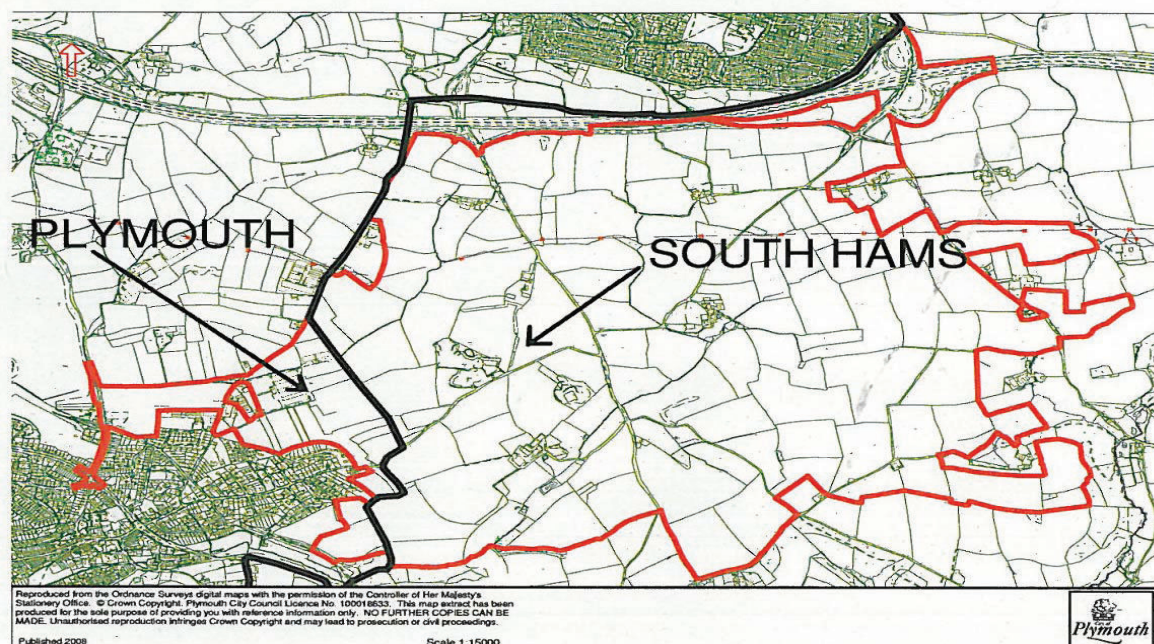
# PLANNING APPLICATION REPORT

06/02036/OUT



**ITEM: 04**

**Application Number:** 06/02036/OUT  
**Applicant:** Red Tree (2004) LLP  
**Description of Application:** Outline planning permission for part of the proposed 'Sherford' settlement comprising residential development (320 new dwellings); a community sports hub; recreation and open space facilities and detailed approval for highway improvements to Stanborough Cross; the construction of a new junction with Hays Road and the construction of part of a Main Street link road to serve 'Sherford'  
**Type of Application:** Outline Application  
**Site Address:** "SHERFORD NEW COMMUNITY" LAND SOUTH/SOUTHWEST OF A38 DEEP LANE AND EAST OF HAYS ROAD ELBURTON PLYMOUTH  
**Ward:** Plymstock Dunstone  
**Valid Date of Application:** 15/12/2006  
**8/13 Week Date:** **16/03/2007**  
**Decision Category:** Major Application  
**Case Officer :** Alan Hartridge  
**Recommendation:** Grant conditionally subject to S106 Obligation  
**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



## **SHERFORD OFFICER REPORT**

### **I. THE SHERFORD OBLIGATIONS**

#### **I.1 The 2009 Planning Committee report and previous resolutions**

The applicant's proposal for Sherford have been considered by Members on two occasions and judged to be acceptable subject to important caveats. One caveat in particular has been the requirement to complete a satisfactory joint authority Section 106 agreement (S106). Members of the Plymouth City Council (PCC) Planning Committee and the South Hams District Council (SHDC) Development Management Committee have considered the proposals for this development in 2008 and 2009 and the SHDC Development Management Committee met in December 2011 to consider changes to the obligations for any joint authority S106.

This authority's 2009 resolution anticipated a start on site in 2010. As a S106 agreement has not been completed, no formal decision has been issued.

The 2009 PCC Planning Committee report is on the website and this has recently been made available to Planning Committee members with the approved minute of the meeting. Several copies will also be available at your meeting. The resolution is attached at **Appendix I**.

A "duplicate" application was submitted to both local planning authorities prior to the 2008 meeting, which the applicants have said they may seek to appeal on the basis of non-determination. To date this duplicate application remains undetermined by both local planning authorities.

The 2009 PCC Planning Committee resolution was made against a back drop of a major recession and collapsing property market. In the interests of supporting housing delivery and the local economy, members agreed that planning permission could be granted with a level of affordable housing significantly reduced from the 2008 proposal. The developer contribution proposed in 2009 was 11.37% across the first 700, with a mechanism to capture future uplifts in the market to help deliver affordable dwellings in subsequent phases. The resolution, in recognition of the circumstances in which a reduced Affordable Housing level was considered acceptable, was predicated on a start on site was made in 2010. As that caveat can no longer be met, the application has now been returned to both Planning Committees so that an updated decision may be taken.

Since the 2009 resolution your officers have been in discussions with the legal teams of all parties in an attempt to complete the S106 in a manner that substantially complied with the Heads of Terms that were considered by Members at that time.

Discussions have taken place between planning lawyers to try to clarify and resolve any outstanding differences in the delivery of the required heads of terms. This has been done in tandem with the recognition that since 2009 there have been changes in legislation and government policy, case law and appeal decisions of relevance which have meant that parts of the S106 have needed to be reviewed, as well as the effect those changes have had upon the application itself. Also of significance has been the monitoring of the financial market,

which has not returned to the levels seen prior to the recession. Consideration of the required S106 'package' relating to this application should be mindful of the financial pressures influencing viability today.

### **1.2 Proposed obligations to secure completion of the S106**

A draft S106 was submitted by Red Tree to the local planning authorities in October 2011 for consideration. It constituted a set of obligations that Red Tree believed were reasonable and deliverable within the constraints of viability and which they were prepared to sign up to. It was not in the form of a finalised 'agreement'.

Whilst there is no statutory requirement to do so, the draft S106 has been the subject of public advertisement by both authorities.

The SHDC Development Management Committee met in December to consider the changes that are warranted to the previously agreed obligations in any joint authority S106. Their resolution is attached and it is subject to a joint authority S106 being completed (see **Appendix 2**).

The SHDC Committee report identified several shortfalls in the obligations proposed by Red Tree but most of these were addressed by the date of their Committee meeting and the remaining ones have been highlighted in discussions with the applicants to attempt to resolve them with officers prior to your consideration of this Committee report. This has now been achieved.

As it is now over two years since the PCC resolution was made, and the terms of that resolution in places have been superseded, it is necessary to report this application back to Members to consider its acceptability in light of more recent material circumstances. The mitigation package that is now required to secure delivery of the 2009 scheme needs to be reviewed in the light of the applicant's recent S106 proposals and the material factors described in this report.

A local authority Habitat Regulations Assessment dated November 2011 and a commercially sensitive summary of a viability assessment produced by the company DTZ are background documents that are available on request by contacting the case officer prior to your meeting. (See sections 7.3.3 and 7.6 below).

The Planning Committee are asked to reconsider the proposed changes to the S106 terms in light of planning policies for the delivery of Sherford and, particularly, for the delivery of that part of the development within the PCC Local Planning Authority area and the conditions that would need to be imposed and possibly enforced in future years by this authority.

### **1.3 Consultations and Publicity concerning the obligations**

In trying to obtain the S106 required by members following the 2009 resolutions there has been close liaison with many of the local stakeholder groups, statutory bodies and various agencies, including Devon County Council, the Highways Agency, the Homes and Communities Agency, Natural England, Sport England and the Environment Agency.

The suggested S106 obligations that have now been received from the applicants have been subject to public notice to enable further comment to be submitted.

## 2. THE PROPOSAL

The applicant's proposals remain largely the same as those described and considered by members in the attached 2009 Planning Committee report except for the following details that have drafting implications for the suggested S106 planning obligations and several conditions:

### 2.1 Transport Obligations

#### 2.1.1 Phasing triggers for link road completion

The applicants have now suggested that the trigger for requiring completion of the Main Street together with provision of the Park and Ride and improvements to Deep Lane junction should be deferred from 1100 dwellings (or 2014 whichever is sooner), as reported in 2009, to 1300 dwellings as their further technical evidence suggests that this could be accommodated without undermining highway capacity.

This is the only significant change in transport terms to the S106 Heads of Terms previously agreed at the Planning Committee 2009 (Document 2 p221) and follows discussions with officers of the highway authorities indicating that this should not be an issue from the highway network perspective.

#### 2.1.2 Phased payment mechanisms for major contributions

Discussions have taken place regarding the mechanisms and triggers for delivery of the obligations outlined in the S106 Heads of Terms in the 2009 report in particular relating to the phasing of the offsite highway works contributions and delivery of public transport serving the site.

The Phasing of the £11.8m contribution to off-site highway works in the Eastern Corridor as now suggested would be managed by PCC in order to assist with coordination of the current programme of works. The Major Works Contribution phasing triggers would not be in accordance with the requirements of a Major Scheme Bid but would now be:

Dwelling Numbers	Contribution
300	£2.55
500	£2m
1,600	£4.25m
2,000	£3m

These phasing triggers differ from those proposed in the submitted S106 and have been subject to discussions between the applicant and officers since the South Hams Development Management Committee (see section 7.1.2).

The mechanism for implementing the public transport serving the site has also been the subject of further discussion and clarification with officers of the highway authorities and it



would be delivered in three-phases, implemented from the outset leading up to the full provision of High Quality Public Transport (HQPT).

### **2.3 Increase in Affordable housing**

In August 2009 members envisaged a baseline provision of **24 affordable** homes (without grant) within the Plymouth boundary as part of a phase 1 provision of 80 within the first 700 dwellings in Sherford (11.37%).

In October 2011, following extensive discussions with Officers, the applicants submitted their suggested proposed S106 obligations including provision of 15% without grant within the first half of the development (2,750 homes). Following this submission there have been ongoing discussions with the objective of improving aspects of the proposal, in particular the provision of affordable housing in the first half of the development.

The applicant's base line proposal for the first half of the development (2,750 dwellings) is now to provide 20% affordable housing (550 affordable homes of which **64 affordable homes** (without grant) would be within Plymouth City Council boundary) with additional provision (without grant) likely in the second half of the scheme supported by a 'claw back mechanism' (although the clawback mechanism would be running at all times)

The 20% is an average over the first half and would be provided as three stepped floors of 17% within the first 1,200 homes, 20% within the next 1,200 to 2,200 homes and 26.5% from 2,200 to 2,750 homes. (The nomination rights will be 66.6% SH/33.3% PCC).

The split within the Plymouth City Council boundary between tenures for the first half of the development would be 50% shared Ownership and 50% Affordable Rent (with 37.5% of the affordable rent units within Plymouth City Council boundary being provided at 50% of market rents).

In summary, affordable homes would be provided at Sherford within the Plymouth Local Authority Area as follows:

- 20% of the total of 320 dwellings that are expected to be able to be delivered, equating to 64 affordable homes (without grant).
- This would be split 50:50 between Affordable Rent and Shared Ownership (32 of each tenure)
- Of the 32 Affordable Rented homes, 20 would be provided as currently defined in the section 106 and 12 would be provided at the reduced level of 50% of market rent.
- These homes would form part of the overall baseline commitment for Sherford (ignoring the administrative boundary between the two local planning authorities) of a baseline provision of 550 affordable homes in the first half of development, being 2,750 dwellings. All 64 affordable homes within Plymouth City Council boundary would be provided within the first 700 dwellings constituting Phase 1 of the overall development

A minimum floor level, or baseline, would be provided in the second half of the development which would be determined by where the 'clawback mechanism' had reached at the halfway point. If at any time the 'clawback mechanism' calculated levels of affordable housing above the floors then that higher level would be the level delivered.

## **2.4 Change in financial allocations**

Red Tree's proposed Affordable Housing level as proposed in the October draft S106 proposed a baseline level of 15% in the first half. The additional 5% increase in affordable homes during the first half of the development follows further officer discussion (particularly with the housing officers of both local planning authorities). It would be provided through a combination of an increased commitment from the applicant of £1.8m, a reduction in other areas of the S106 agreement and a deferment of certain obligations to a later stage within the development.

The current proposal is that £3.186m would be removed from the S106 and £2.5m would be deferred and provided through 'the claw back pool' in the later stages of development.

The areas of the S106 which would now see a reduction in the proposed costs set out in the submitted S106 are:

Community Park;  
Ground Maintenance Building;  
Public Art; and  
Professional Fees  
(These are considered in detail in section 7.2.3 below).

## **2.5 Provision of land for sports pitches**

The applicants propose a 'minor amendment' with the proposed reduction of one junior grass pitch in recognition of the extended use that the all-weather pitch can provide. Only one junior pitch is therefore required within the overall provision at the eastern pitches

## **2.6 Design Code details**

Recent discussion have resulted in the applicants now proposing some detailed changes to the terms of the Code a. to permit the use of Upvc products within buildings (NB. External use of Upvc is still not permitted); b. affecting operational chimney flues within apartments; and c. clarifying rainwater harvesting requirements.

## **2.7 Health and Wellbeing Centre not required**

A Health and Wellbeing Centre is no longer required by the Health Authority  
However, as previously envisaged in the 2009 Heads of Terms, the S106 makes provision for GPs Surgeries.

## **2.8 Other principal changes (in addition to those mentioned in 2.1- 2.7) to several details to the envisaged Heads of Terms identified in the 2009 Committee report and subsequently suggested are:-**

The applicants still agree a **cascade** to affordable housing in the event of any residual unspent contribution within the S106 subject to such fall through to affordable housing taking place only after the reinvestment into reduced items within and between other schedules have been secured.

## **Land areas**

Devon County Council has clarified that the area of land required for the secondary school is 6.05ha rather than 7.2ha and that the area required for the Youth Centre is 0.2ha rather than 1ha.

### **Net income re-investment into the 'Community Estate'**

A general obligation has also been added which would require community facilities (collectively known as the Community Estate) to be managed for the benefit of the community and any net income generated from any such facility would be reinvested into the Community Estate.

### **Energy savings**

Any net income from the first wind turbine would be reinvested into the Community. The applicants would use reasonable endeavours to set up an Energy Services Company (ESCO) to manage the energy delivery to the development including the wind turbines

## **2.9 Summary**

The SI06 proposal now includes the following (and highlighted in yellow are those items that have changed since the 2009 report):-

- 3 Primary Schools including nurseries and dual use sports facilities
- 1 Secondary School including community theatre / cinema and dual use sports facilities
- Forest School in the Sherford Quarry
- Youth Centre
- GPs Surgeries
- Adult Social Care Base
- Children's Centre
- 20% minimum affordable housing in first half of development
- A claw back mechanism which captures any increase in the market to deliver higher levels of affordable housing
- Anticipated 20-30% overall affordable housing **not including any grant funding**
- 20% of all dwellings built to full Lifetime Homes standards
- Wheelchair accessible homes - percentage based on need **which is reviewed every 500 dwellings**
- 100 dwellings as mixed tenure Extra Care housing
- 200ha Community Park including formal and informal play, community farmland (organic farm if viable) and ecological protection and enhancement
- 5ha of urban park and civic spaces within the built area
- 70ha of woodland planting for carbon offsetting
- Ecological and landscape mitigation and enhancement throughout the site including wildlife corridors, greenways, and woodland, semi-natural green space and buffer zones.
- 4ha of allotments / community gardens
- 2ha for a cemetery / memorial garden / green burial site
- Funding for offsite landscaping
- A network of high quality Local Areas of Play (LAPs)
- 7 Local Equipped Areas of Play (LEAPs)
- 2 Neighbourhood Equipped Areas of Play (NEAPs) including Multi Use Games Areas (MUGAs)
- Skate Park (700sqm)

- Indoor Sports Centre including a 25m indoor heated swimming pool, four court sports hall, multi-function room, changing and social facilities.
- West Pitches = 1 no. all-weather floodlit pitch, 1 no. all-weather floodlit MUGA, 1 no. 5-a-side pitch, 1 no. senior football pitch, 1 no. senior cricket pitch, 1 no. junior football pitch, changing facilities.
- East Pitches – 1 no. senior cricket pitch, 6 no. tennis courts, 2 no. senior football pitches, 1 no. junior football pitch, 1 no. Pavilion and changing facilities.
- Alternative Pitches (if dual use is not secured at the schools) –
- 5no. junior football pitches, 5 no. tennis courts.
- Land for a bowling green and club
- Contributions to the Saltram Countryside Park and the Plymouth Life Centre
- Community Police facilities
- 0.4ha for a Type 2 police station
- 0.4ha for a Place of Worship and associated dwelling
- £500,000 for public art and culture on site. £1.5m deferred with potential re-allocation through the claw back
- £170,000 for the Tamar and Yealm Estuary Management Plans
- Town Hall incorporating offices and meeting spaces for the Community Trust, the local authorities and other community services
- Library and Information Centre including book stock and a temporary mobile library
- £750,000 towards an offsite DCC Recycling Centre
- 0.5ha and £100,000 for a Community Reuse and Repair Centre
- £910,000 to set-up and kick-start the Community Trust with security of ongoing income and involvement in the design and management of community facilities
- £120,000 to support Local Authority monitoring of the development.
- £61,168 for sustainability assessments of the site at each review stage
- £50,000 for Brixton Parish Council and the set-up of a Town Council
- 50% on-site renewable energy production delivered through 2 large scale wind turbines and other neighbourhood, block and building scale renewable technologies
- An Energy Services Company (ESCO) to manage energy delivery
- EcoHomes and BREEAM Excellent on all buildings
- Site-wide carbon reduction requirements
- Fibre optic infrastructure into every building
- Community Website
- 0.25ha for a Research and Development Centre
- £250,000 for the Sherford Review Panel to manage the Town Code and Detailed Design Codes throughout the life of the development
- Scheme of works onsite to manage volume and speed of traffic on Sherford Road
- £11.8 million for works to the Plymouth Eastern Corridor
- Upgraded Stanborough Cross junction and a new junction at Hays Road
- £75,000 for DCC to spend on safety improvements at Red Lion Hill
- £25,000 for DCC to spend on traffic management measures at Plympton Hill
- £730,024 for offsite cycle and footways as well as a network on site
- Upgraded Deep Lane junction – signalisation, new westbound on slip, expansion of westbound and eastbound off slips, upgrade of Sandy Lane roundabout.
- 3.8km of new Main Street to link the A38 to the A379 and as part of the High Quality Public Transport (HQPT) route



- Park and Ride interchange for 1,000 cars at Deep Lane junction
- HQPT phased delivery from the start of development with pump prime funding from the outset
- £342,000 contribution for mitigation at Manadon junction
- £60,000 to kick start a Sherford car club
- Travel Plan co-ordinator dedicated to the Sherford Framework Travel Plan
- £420,000 Travel Plan contingency fund
- Managed Workspace Facility for local business start up and development
- £250,000 for Skills Training Scheme on and off site
- Review mechanism to ensure that the Section 106 evolves with requirements over time
- Security in the form of cash bonds and charge on the land
- Cascades of unspent contributions within each 'topic' including affordable housing.(after cascading within each S106 'topic')

### 3. PLANNING HISTORY

No change of any significance since 2009 report

### 4. CONSULTATIONS

The previous representations and those received since are set out in both the 2009 Committee report and below. All of these responses remain relevant to the consideration of this application, and are available to read in full prior to the Planning Committee. Since the 2009 Committee a number of comments have been received from consultees. The most recent ones have been in response to the publication of the applicants' draft S106 documentation, and these have included the following:-

#### **Highways Agency**

The Highway Agency updated and revised the TR110 Direction on 15<sup>th</sup> November 2011. In summary, subject to minor amendments to the detailed highways arrangement, it is anticipated that the highways objection will be resolved.

The outstanding issues relate to the phased improvements to Deep Lane Junction. Correspondence has been received that states that the "*current drawings require a number of departures from standards, specifically on the westbound on-slip and off-slip. It is understood that no formal request has been provided to the Agency for these departures, which must be approved before any final comments can be made on the submitted proposals. It is also understood that following the meeting between the Agency, Devon County Council and the applicant on Wednesday 16<sup>th</sup> November that a revised scheme is being considered which may alleviate the requirement for any departure from standards. Once the departures have been agreed, or a revised scheme submitted a final response can be provided by the Agency.*

*It is hoped that once a revised scheme is submitted or the required departures are approved, minor amendments/queries to the currently submitted drawings are provided that a satisfactory agreement can be reached on the proposed improvement to Deep Lane, however, until this time no final comments can be provided".*

Receipt of an Application for departures has recently been confirmed and the Highways

Agency position statement is attached (**Appendix 6**)

### **PCC Transportation Unit**

Discussions have taken place regarding the mechanisms and triggers for delivery of the obligations outlined in the S106 Heads of Terms in the 2009 Planning Committee report in particular relating to the Phasing of the off site highway works contributions and delivery of public transport serving the site. It is confirmed that the main mechanisms and triggers for incorporation into the S106 have now been agreed including these recently outstanding issues.

### **English Heritage**

English Heritage's position remains as stated in 2007 that is no objection in principle, in view of the adopted policy. However, English Heritage has responded to recent representations and has suggested that the location of a wind turbine should be reviewed in relation to a listed building.

### **Sport England**

Sport England support that the majority of the sport and recreation will be delivered at reasonable trigger points.

### **Elburton Residents Association**

Retain their objections (as in the 2009 report): Key Issues

- Disappointed that the swimming pool is only half an Olympic size
- The lack of a sixth form facility here (rather than at Ivybridge) may affect teachers desire to work at the secondary school.

### **Brixton Parish Council**

Brixton Parish Council is concerned about the changes from the original proposal. Specific concerns include:

- Levels of affordable housing
- Transportation proposals including changes to high speed links to Plymouth, delayed park and ride facilities and initial bus services will be reduced. Concern that Red Lion Hill will be used as a 'rat run' and safety of parishioners needs to be reviewed.
- Levels of sustainability. In particular, the phasing of local employment and the provision of the wind turbines.
- Professional Services. The Section 106 proposes up to £10,000 for administrative support for Brixton Parish Council until the formation of a Town Council. This is not acceptable as it has been reduced from £65,000 for no reason and there is no timescale to measure this against as the town council may not be created for many years. Request that the proposed sum is increased to £3,000 per year until the town council is created with an initial payment of £6,000 within 28 days of receipt of planning approval if granted.
- Financial contributions to sewage disposal.
- Environmental impacts - Comment that the Yealm Estuary Management Group has no enforcement capability. Question why Red Tree are not contributing to the Environment Agency who can ensure that relevant statutes are upheld.
- In their view the outline permission has elapsed as the conditions of the 2009 Committee resolution have not been met including:- development to commence in 2010, need for support from Plymouth City Council, requirement for

improved claw back to provide affordable housing and phasing of infrastructure and main street development. Request that the application be withdrawn and resubmitted.

- Application does not comply with the Inspector's decision in relation to the AAP
- Present scheme does not bear any resemblance to the vision and concerned that the proposed development is no longer the 'exemplar development' that was originally promoted.
- Question evidence of need for the development and consider that there is no demand. Housing needs in the Plymouth area reduce as businesses close. The Naval presence in Plymouth will continue to reduce and the airport is likely to close.
- Request that Councillors vote on the basis of the information before them and not to listen to any potential reaction by Red Tree if the application is not granted. The possibility of Red Tree appealing and any subsequent costs to SHDC should not be seen as a threat.
- Brixton Parish Council are also dismayed that the site visit undertaken on 30<sup>th</sup> November was not a formal Committee site visit and that no invitations were made to the Parish Council or members of the public. The parish also believes that in recent years it has not been sufficiently consulted and that officers' recent focus has been on the S106 rather than the overall development

### **Yealmpton Parish Council**

Yealmpton Parish Council raise concern that there have been significant changes since the vision for the new community at Sherford was first drawn up and Red Tree's current planning application is based on false assumptions.

Question the current need for Sherford and challenge the elements of the vision as follows:

- Improved quality of life will not be achieved as the original project is no longer viable in the current economy.
- Homes should not be provided so far from potential workplaces, particularly as the developer is no longer able to provide the high speed transport link to Plymouth and improvements to Deep Lane Junction.
- Concerned that the quality of the design will be compromised.
- Affordable homes are not now prioritised. Consider that the reduced affordable housing figure is totally unacceptable. Does not consider it is the right time for the developer to proceed.
- The high quality, high capacity public transport system has been lost. Concerned that journey times over Laira Bridge will increase.
- There may be no clean, attractive, high quality public spaces. Consider the land would be more usefully used for agricultural production.
- Building houses where they are not required does not respond to the alleged 'climate change' challenge.
- Housing needs in the greater Plymouth area are reducing year-on-year.
- The Parish council request that the correct decision is taken without any consideration as to reprisals or court cases.

### **Wembury Parish Council**

Wembury Parish Council is concerned about the changes from the original proposal.

Specific concerns include:

- Reduction in the percentage of affordable housing from the AAP target.
- Phased infrastructure construction will put more strain on congested roads in

the area during lengthy construction of the scheme and put more strain on local facilities.

- Lack of early transport links to Plymouth will make travel to the City more difficult for the local population as the number of houses increase.

All the above are summaries of the recent representations from consultees and the comments are available to view, in full, on the Council's website

### **South West Water (SWW)**

Following a recent review SWW has established that the flows can be accommodated within their existing asset base (with modification), without the need to build a new Treatment Works. It advises that a new pumping main is proposed to transfer the foul flows generated from the development site to Plympton (Marsh Mills) Sewage Treatment Works and negotiations have begun with the local land owners affected by the new pipeline. Following treatment, discharge would be to the River Plym."

### **Environment Agency (EA)**

The EA are aware of the SWW details on how sewage flows from the Sherford development could be accommodated at Plympton sewage treatment works. This information is currently being reviewed by the EA. It advises that, if this is a viable option, SWW would need to submit an application to review the conditions of the existing Environment Permit to discharge and demonstrate that the environment would not deteriorate. The EA advise that it would seek to control the increase in sewage flows through its own permitting system without any need for a Grampian condition.

## **5. REPRESENTATIONS**

The previous representations are set out in the 2009 Committee report and the most recent representations are in response to the publication of the draft S106 obligation submitted by the applicant. A number of these representations refer to issues raised before. Concerns have been received by both local planning authorities from residents of 20 and 96 Sherford Road and 1 Hazelwood Crescent Plymstock and 44 Barnfield Drive, Plympton. Key concerns can be summarised as follows:-

- Question the need for a new community, particularly given the recent permission for development at Plymstock Quarry.
- Seeks safeguarding measures for road network. Concern at increased use of Sherford Road and potential for accidents to happen. Question the infrastructure capacity of the roads to cope with increased use.
- Concerned that the schedule lacks specific plans for the management of Sherford Road.
- Considers that the affordable housing provision is inadequate and that there is a need for more affordable housing.
- With regards to the swimming pool, it is considered that the facility should be larger than planned to cater for the wider community and not just residents of Sherford.
- Concerned about the lack of provision for jobs
- Considers improvements at Stanborough Cross are cosmetic and that existing roads are already overloaded.

- Suggestion that S106 monies should be used to provide a direct link from Deep Lane to join the A38 to the A379.
- Objection to the development of new community on the edge of Plymouth which will contribute to urban sprawl.
- Suggests an alternative to urban sprawl is small scale affordable eco housing in each village where infrastructure is already available and sustainable.
- Concerned over the details of the clawback mechanism and that if there is no improvement in market conditions, or should the improvements be less than the increase in construction costs, the developers will not be required to provide any additional affordable houses.
- Concerned at the proposed tenure split of affordable housing.
- Concerns over scale of development and the effect on the area environmentally.
- Fear that houses will not be for local people.
- Request that SHDC seek a contribution for a pedestrian footpath from Chittleburn Cross to the west of Brixton and link to the existing part of the NCN2 where it passes under the A379 to provide a link from Elburton. This would also provide access to the country park.
- Concerns over impact of proposed wind turbines in terms of effect on: health, ecology, wildlife, landscape aesthetics, Grade I listed buildings at Higher Hareston and financial implications.
- Objection to the approval of the S106 due to lack of evidence of the collapse of the market.
- Concerns over the quality of the architecture.
- Concerns about the distribution of S106 monies, particularly for education given the unfilled school places in Plymouth.
- Acknowledge the desire for Sherford to become an eco-friendly development. However, would raise objection to the proposed wind turbines and the potential to set a precedent. Concerned about effects on the environment in terms of noise, visual impact, safety, loss of parkland amenity and impact on property values. A detailed critique against the proposed wind turbines has also been provided in objection. This 18 page report is located on the website, but its concluding remarks state that; small scale wind farms are inefficient in nature and will not contribute to national renewable targets; they are a 'renewable energy icon' rather than having any practical value; the costs outweigh the small amount of local benefit; would set a bad precedent for similar sized schemes; and that the applications Energy Strategy requires amending now.
- Difficulty in viewing documentation on the website.
- The lack of a sixth form facility may affect teachers desire to work at the secondary school.

All the above are summaries of the recent representations and the comments are available to view, in full, on the Council's website.

## **6. DEVELOPMENT PLAN POLICIES**

Guidance on the relevant European Directives and their transposition into UK law is given in the National Policy Statements (NPSs). The principal ones which have been taken into account as relevant in respect of this particular application are those dealing with Climate Change and Sustainability and the Natura 2000 sites. European guidance has influenced many

of the standards/assessment methodologies currently accepted as sound practice within Environmental Impact Assessments.

Since the 2009 Planning Committee report the consultation draft of the **National Planning Policy Framework (NPPF)** has been published and Local Authorities should have regard to policies set out in this framework as in its guidance to Planning Inspectors. The Planning Inspectorate states:

*“Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government’s ‘direction of travel’ in planning policy. Therefore, the draft National Policy Planning Framework is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker’s planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled”*

The draft National Planning Policy Framework emphasises the significant weight that should be placed on supporting economic growth and states that at the heart of planning decisions should be a presumption in favour of sustainable development. The NPPF explains that LPAs should approve development proposals without delay where it accords with statutory plans. The draft NPPF does specifically state the importance of planning strategically across Local Authority boundaries. This duty to cooperate is reflected in the Sherford proposal and the requirement for a joint S106.

Since the 2009 Planning Committee report it is also well documented that the new coalition Government intends to abolish **Regional Strategies** and strategic policy decisions will rest with local planning authorities. However, until Regional Strategies are abolished they remain a component of the development plan with which development proposals should accord unless material considerations indicate otherwise. The recently enacted Localism Act contains provisions enabling the Secretary of State to revoke Regional Strategies. It is clearly the Government's intention to use this power. In order to do so, however, the Government must conduct environmental assessments into the effect of the revocation of Regional Strategies, and consult on the results for a period of 12 weeks. This process is still underway. Given that the outcome of this process cannot be predicted, the weight to be accorded to the relevant Regional Strategy policies should not be reduced. In relation to the draft Regional Strategy policies, in so far as they are relevant to the determination of this application they reflect relevant extant national policy guidance and/or are supported by a robust evidence base and are entitled to be given material weight.

Mindful of these more recent influences upon planning policies, the Development Plan policies in section 8 of the 2009 Planning Committee report are still considered to be relevant (p83-p85).

The National Policy Statements (NPSs) most relevant to the changes to S106 requirements proposed by the applicants are considered to be **PPSI** Delivering Sustainable Development, 2005; **PPSI (Supplement on Climate Change)**, 2007; **PPS9** Biodiversity and Geological Conservation, 2005; **PPG13 Transport**; and **PPS3** Housing.

The 2009 Planning Committee report also contains an Appendix I summary guide/checklist of compliance with the North Plymstock Area Action Plan (NPAAP) proposals NP05,06,07,08,09,11 and 13 (p150 –p 161). It is considered that these are also largely still relevant except that:



- Reference to the provision of affordable homes within Plymouth City Council boundary within phase I would now increase to 32 shared Ownership and 32 Affordable Rent.
- references to a Public Open Space Landscape and Biodiversity Implementation Plan is now in respect of one called a Natural Environment Vision Statement (condition 15 and explained in section 7.3.4 below) and
- the triggers for phasing of the Main Street link road (Document 2 p221) shall be as described in section 2.1.1 above and this is assessed in 7.1.1 below.

An updated summary guide has been provided at **Appendix 3** to this report that sets out how the planning application generally meets the requirements and objectives of the North Plymstock AAP. The summary is designed to help Members recognise the general level of policy conformity, or otherwise, of the application. It also identifies relevant planning conditions or clauses within the proposed S106 which seek to ensure the development is made acceptable in planning terms.

## 7. UPDATED ANALYSIS OF SECTIONS OF THE 2009 REPORT

Objections and comments have been received in respect of the applicant's proposed development that relate to the principle of the permission itself rather than the terms of the S106. These are set out in the 2009 report. Whilst this application has already been considered by Members and a resolution obtained to be minded to grant conditionally, the planning permission has not been formally issued due to outstanding issues with the S106. The planning policy context for assessing this planning application and any S106 requirements largely remains as set out in the 2009 Planning Committee report (see previous section) and comments upon several recent representations is given in section 7.4 below.

It is suggested that Members focus is therefore on those elements of the obligations and requirements of the S106 that have changed since 2009 and on those areas where material planning matters have changed. Since the application was last considered in 2009 there have been changes in respect of the following background matters that are considered to be the main reasons for the changed S106 clauses (and conditions) that are now essential to deliver Sherford in the manner envisaged by the Council:

- 1) Transportation –implications of changes in Regional Funding Allocation (RFA) for the Plymouth Eastern Corridor whilst retaining the required scale of financial obligations envisaged in the 2009 Planning Committee report (section 7.1)
- 2) Housing –implications of changes in Homes and Community Agency (HCA) funding potential and continued viability issues have influenced the need for reductions/deferrals to some of the S106 obligations envisaged in 2009 and provision of a more robust clawback mechanism to obtain likely increases in the level of Affordable housing. In addition the type of affordable housing proposed also reflects latest national policy advice in relation to the new 'Affordable Rent' tenure (section 7.2)
- 3) Protected Species / Biodiversity –implications of recent case law since 2009 influencing emphasis to be given to the requirements of the Habitats Directive in the determination of the planning application (section 7.3).

The following assessments upon the updated situation are relevant to your consideration of the material planning issues and need to be considered alongside those set out in the 2009 Planning Committee report:

### **7.1 Transport Obligations**

**The following section updates the Analysis in the Transportation and phasing sections of the 2009 Planning Committee report (in particular 10.1.3(p88) and 10.5.1(p110) and HW1 (p186) and HW7and HW10 (p187) of the Draft Heads of Terms and the Document 2 table (p221). Furthermore, the applicants have now produced a satisfactory Framework Travel Plan as required 10.1.5 and by condition 29.**

#### **7.1.1 The suggested change in Phasing triggers for link road completion**

This section gives consideration to the phasing information provided in section 2.1.1 above. The applicants suggestion is that the trigger for requiring completion of the Main Street together with provision of the Park and Ride (first phase) and improvements to Deep Lane junction should be deferred to 1300 dwellings as their further technical evidence suggests that this could be accommodated without undermining highway capacity. This is a requirement which differs slightly from Document 2 of the 2009 report (page 221) which indicates triggers of 1100 dwellings for the Park and Ride, Main Street completion and Deep Lane junction works. This is the only significant change in transport terms to the S106 Heads of Terms previously approved in 2009 and follows discussions with officers of the highway authorities who have indicated that this should not be an issue from the highway network perspective as it could be accommodated without undermining highway capacity. It is considered that this proposal is unlikely to have any negative effect upon the highway network, and it is suggested that the 1300 dwelling trigger be accepted.

The triggers for completion of the Haye Road access and completion of the main street as far as Brixton Road by 700 dwellings are unchanged from the 2009 Planning Committee report.

#### **7.1.2 Phased payment mechanisms for major contributions -The Major Scheme Bid and recent changes to the Regional Funding Allocation (RFA)**

The 'Eastern corridor' runs from Plymouth city centre via Laira Bridge, the A379 north of Plymstock and across to the A38 at Deep Lane Junction The overall cost of the Eastern Corridor High Quality Public Transport works was estimated to be £102m. In 2008 the Department for Transport (DfT) agreed in principle to allocate £77.2m of Regional Funding Allocation (RFA) for the Plymouth Eastern Corridor which together with developer contributions would generate the £102m required to deliver the entire Eastern Corridor infrastructure.

Subsequently the government announced that it intends to reform the way that funding decisions are made on which transport projects are prioritised and in May 2010 the RFA process was suspended awaiting the Comprehensive Spending Review (CSR) and new Guidance. Following the CSR a Government press release of 20/10/10 advised that the DfT will not currently consider any new Local Authority Major Schemes (including the Eastern



Corridor) and the earliest these schemes could get funding would be 2015/16 assuming that the scheme was entered into the programme.

PCC and DCC continue to progress with the preparation of the Major Scheme Business Case in order to get a head start when the new rules are announced and would use a range of funding sources to implement elements in advance where possible, including Red Tree's contribution of £11.8m to the works.

A contribution of £11.8m has been identified as required by the Highway Authorities. Traffic congestion is currently experienced in the corridor, in particular on the approaches to Laira Bridge. It is considered that there is justification for such a contribution to the works required. This would help ensure transport mode shift along the corridor, improve accessibility, reduce traffic congestion, improve road safety and ensure sustainable growth. The Transport Assessment submitted by the applicants has been carefully examined by the three Highway Authorities. The conclusions of the authorities is that, while the Transport Assessment is not arithmetically incorrect, the predicted effects on the junctions and other elements are quite optimistic, especially with regard to the ability of the proposed and future bus services to run with a minimum of impedence. Thus the suggested scale of eastern corridor infrastructure, towards which Red Tree's contribution would go, is necessary to assist in achieving the level of modal shift identified in the TA and to achieve a public transport service that is efficient, and so would in turn ensure that the development is made acceptable in planning terms.

The application is considered to be in accordance with NP05, NP07 and NP09 but only if the developer provides the infrastructure necessary to serve the site and makes the appropriate £11.8m contribution towards the delivery of off site 'eastern corridor' transport infrastructure improvements.

The applicants have agreed to meet the obligation and, together with the proportionate contributions required from other potential developers in the corridor, to contribute to the funding of infrastructure in the eastern corridor. The phasing will not now be in accordance with the requirements of the Major Scheme Bid as envisaged in the 2009 Planning Committee required S106 Heads of Terms (HWI p186). It is suggested that the Phasing of such payments as now set out in the applicant's proposal (in 2.1.2 above) should be secured in the S106:

Dwelling Numbers	Contribution
300	£2.55
500	£2m
1,600	£4.25m
2,000	£3m

It is considered that this would accord with Policies CS28, CS34 and NP05, NP07 and NP09.

**7.1.3 Phased payment mechanisms for major contributions -Public Transport provision –further details as reflected in the proposed S106**

Policies NP05 and NP07 and SNC7 require that a High Quality Public Transport (HQPT) route should be provided at the earliest stage. However, as stated in the 2009 report as a consequence of the re-phasing proposals an initial lower level of service will be provided, building up to a full HQPT standard in the course of the development. The details of this have been discussed with the applicants.

In accordance with the 2009 Heads of Terms a fund would be made available by the Applicants to enable a three stage implementation of public transport leading to the introduction of an HQPT service running from the new Park and Ride. This would likely commence with an upgraded local service (NP08) that would be introduced at an early stage of development up to 300 dwellings to connect the first new houses with City Centre, Plymstock and Elburton. Subsequently, a first stage of the fast service to the city centre would be introduced on completion of the Main Street in the western part of the new community between 300 and 1300 dwellings. The developer would contribute toward this service. Finally, this would be enhanced to become the full HQPT service operating from the Park and Ride site at Deep Lane junction when that facility was completed at 1300 dwellings.

The applicants would also provide three bus stops to HQPT standard within the development to a specification which would be agreed with the Highway Authority. The provision of on-site bus stops would need to be triggered by the scale of development in the locations of those stops. The level of funding and the mechanisms for the provision of public transport as outlined above in the proposals section has been agreed with officers of the highway authorities and it is suggested that these be incorporated into the S106 Agreement.

It is considered that this would accord with CS28, CS34 and NP05, and NP07.

### **7.1.4 Comments upon the current Highways Agency position**

The HA imposed Directions upon the Local Planning Authorities preventing the issuing of a consent pending the Agency's requirements for further information being met by the applicants and appropriate measures being agreed. Subsequent information then allowed the Agency to be minded to amend its Directions to facilitate a positive determination of the planning application at that time. However, following receipt of the Addenda in 2009, the Direction remains in place, pending a revised set of conditions and obligations which the Highways Agency are involved in preparing. The Highways Agency has commented that the current drawings require a number of 'departures' from standards specifically on the westbound on slip and off slip.

Red Tree have recently submitted to the Highways Agency a formal application for such 'departures', although at the time of writing, there has been no indication from the Agency as to whether the 'departures application' would be granted. The Agency has indicated that only once the application for 'departures' has been approved would it be able to comment fully upon the submitted proposals, and to state whether or not it would be able to withdraw the current Direction, thus allowing Planning Permission to be issued.

It is considered that these requirements are technical in nature and this 'departures process' does not affect the principle of planning permission being determined and an update will be given at the Planning Committee on the departure status. Their latest position statement

and draft conditions are attached at **Appendix 6**. In their letter of 24 February a number of draft Conditions have also been submitted which would be Directed once approval of the departures have been agreed. These Conditions are broadly in agreement with those proposed by the Planning Authorities.

### **7.2 Increase in Affordable Housing and changes in financial allocations**

**The following section updates the Analysis in the Affordable dwellings sections of the 2009 Planning Committee report (in particular 10.7.2. (p120-125) 10.5.1(p110) and 10.72(p125); H1 (p167) and HW3 – H5 (p168) of the Draft Heads of Terms and the S106 finance summary Appendix 2A (p192)**

#### **7.2.1 Recent changes to grant opportunities from the Homes and Communities Agency (HCA) and future grant potential.**

As explained at the 2009 Planning Committee meeting the ability to access the HCA funding to increase affordable housing numbers was largely dependent upon achieving a start on site during the 2010/2011 financial year. The level of grant then available would have been able to supplement the developer's contribution towards delivering 25% affordable homes over the first 700 homes as indicated at the time. This allocated £8.6m grant thereafter disappeared, in part, due to a significant reduction to the HCA's budget following the Comprehensive Spending Review and the commencement of a new funding period in April 2011 together with a fundamental change in the way the HCA approach investment.

As a result of the significant changes, it was considered that a review the affordable housing package was warranted. The revised affordable housing package now suggested by the applicants follows a period of further viability testing and review of the S106 priorities and costs and extensive discussion with officers of both local planning authorities (particularly housing officers who were mindful of 'specialist' advice on clawback mechanisms).

The levels of affordable housing which are now proposed are without grant or any other form of public subsidy. The affordable housing levels may therefore increase if public subsidy were made available to support the provision of affordable housing. Future public investment could include funds from the HCA, the use of New Homes Bonus or other grant opportunities. The applicant has committed (within the proposed S106) to use all reasonable endeavours to secure other sources of funding. Whilst there is no formal allocation of HCA funding to this scheme at the current time, the HCA has indicated that it would continue to support the project as a strategically important element of the growth agenda for Plymouth and the South Hams.

A potential source of funding which has recently been announced is the 'Growing Places Fund' (GPF) which nationally amounts to £500m. The purpose of the Fund is to address infrastructure constraints and promote economic growth and the delivery of jobs and housing. The allocation for the 'heart of the south west' region amounts to £14.2m. Officers have held initial discussions with the HCA and are promoting a bid to the Local Enterprise Partnership. The money must be allocated by the end of the current financial year to projects which are capable of starting within a short period.

#### **7.2.2 Implications of the current 20% Affordable housing proposal**

## Quantity

In May 2011, Red Tree submitted their affordable housing proposal for Sherford which essentially comprised the provision of **15%** affordable housing during the first half of the development (2,750 homes) as opposed to the 2009 proposal which was for **11.37%** for the first 700 homes. This proposal would have resulted in an increase in a greater number of affordable homes. The types of affordable housing proposed also reflected national policy in relation to the new 'Affordable Rent' tenure. The applicant's proposal was published for consultation in October.

Since this time, officers have continued to engage in further discussion with the applicant to seek ways of increasing the level of affordable housing during the first half of the development. This has resulted in the provision rising from 15% to a guaranteed **baseline of 20% or 550 affordable homes** in the first half of the development **64 of these would be within the Plymouth City Council boundary**.

As stated in 2.3 above the base level of 20% would be an average over the first half of the Sherford development provided as three stepped floors of 17% within the first 1,200 homes, 20% within the next 1,200 to 2,200 homes and 26.5% from 2,200 to 2,750 homes. Further affordable housing numbers in the second half would be provided by a '**clawback mechanism**' designed to link the provision of affordable housing to the performance of the housing market relative to build costs. This would provide a fund to deliver affordable housing in the later phases of development beyond the base provision of 20% or 550 affordable homes of the first 2,750 market houses. ( of which 320 would be within the Plymouth City Council boundary) .To provide an overview of how the fund would be calculated, increases in house prices would be measured relative to increases in build costs. A proportion (40%) of any uplift in the margin between these two measures over the life of the development would be provided to the claw back pool for the provision of additional affordable housing. The performance of the claw back and the outturn level of affordable housing, would therefore be dependent on the performance of the housing market. It is envisaged that **20-30%** affordable housing would be provided over the life of the Sherford development, without grant.

A section of the land within the Plymouth boundary would be developed in Phase 3 (from 2,300 units to 4,000 units and is the area shown on plan KDI). This is expected to have an overall capacity of approximately 100 dwellings. Depending upon the timing of its development and performance of the 'clawback' at that time, DTZ modeling has indicated that an **additional 25 to 35 affordable homes** could be provided (additional to the 64 homes) within the Plymouth boundary. This would achieve overall a total of **between 28% and 31%** (without grant).

It is acknowledged that the proposed baseline level of provision would be significantly less than required by the planning policies for Sherford. It would be less than the **30%** required in the PCC area (policy CS15)). NP05 indicates provision for 96 affordable homes within the Plymouth boundary not a base provision of 64 homes without grant. However, whilst the proposal in this planning application would deliver less than the AAP requirements of both local planning authorities it is considered that the current affordable housing proposal is **an improvement on the proposal considered and agreed in principle in the 2009 Planning Committee report** (equating to 24 baseline affordable homes within the Plymouth City Council boundary), and with an effective 'clawback mechanism' it could be

possible to meet the 30% policy requirement within the Plymouth boundary (96 homes) .

#### Tenure

As a result of significant funding cuts and reform of the social housing sector, a new social housing tenure termed Affordable Rent has been introduced. Affordable Rent properties are let at rents of up to 80% of market rents compared to social rented housing where rents are set through a national rent regime. Very approximately, social rents are around 50% of market rents. Whilst new developments can continue to deliver social rent, the Government's preference is for new rented provision to be Affordable Rent. The applicants housing proposal is therefore on the basis of Affordable Rent rather than social rent as was envisaged in the AAP.

The applicants now propose that the split between tenures for the first half of the development would be **50% Affordable Rent and 50% Shared Ownership** within the PCC boundary.

Although NPAAP makes no reference to the provision of a mix of tenures specifically including 'Affordable Rent' homes and in this respect the new proposal is a departure from the requirement for 50% social rent tenures, it is considered that this tenure is acceptable on the basis of Affordable Rent being the Government's latest requirement and therefore more attractive when applications for grant investment are made, and on the basis of some being equivalent to social rented tenures. PCC Housing officers have negotiated an improved split with **37.5% (12) of the Affordable Rent units being provided at up to 50% of market rents**, resulting in these units being more affordable to working families and equivalent to social rented units.

PCC planning policy NP05 also requires a variety of tenures and house types for the 64 affordable dwellings to be built in the Plymouth local authority area and the proposed S106 agreement would allow for changes to be made between tenures if housing need justifies it.

In conclusion it is considered that the current affordable housing proposal is an improvement on the proposal considered and agreed in principle in 2009 equating to 64 affordable homes baseline provision within the Plymouth City Council boundary (rather than the 24 proposed in the 2009 Committee report) with a variety of tenures attractive for future grant opportunities. As such, it is suggested that the departure from planning policies CS15 and NP05 is considered to be acceptable.

#### 7.2.3 Change in the S106 financial allocations

The current affording housing position follows a review of the viability situation by DTZ using a new bespoke DTZ viability model.

The basis of the 2009 resolution was based upon the understanding of the slump in property values and a desire to enable housing development to commence. The effects of the recession on the property markets have since been re-appraised by DTZ to better understand the viability of Sherford in the long term. Their bespoke and highly customisable model was used to assess viability and a number of scenarios were modelled to reflect various levels of affordable housing and it was evident that the first phase, and in some of the modelled scenario, the second phase, would not have been viable largely due to the significant up front infrastructure costs. The appraisal demonstrated that the house prices

have not returned to pre-recession values, and as such, it is considered that levels of affordable housing required by the planning policies of both authorities remain unviable.

The S106 package costs were identified for viability modelling, and, in summary, to help meet the additional affordable housing provision being considered by Members, £3.186m of S106 costs proposed in the applicants' draft S106 would need to be re-allocated and £2.5m would need to be deferred to be provided later through the 'claw back pool' in the later stages of development. This reallocation of costs would help to ensure that 20% Affordable Housing would be deliverable.

The S106 financial summary table that was considered by members in Appendix 2A of the 2009 Committee report (p192/193) indicate the costs that the applicants have assigned to certain s106 deliverables for the purposes of viability modelling. The table indicated the cost of the s106 items that are considered to be warranted to deliver Sherford and the delivery of those items has to be secured in the S106 drafting (some clauses including a specific contribution for a facility).

The Revised Appendix 2A is attached as **Appendix 4** to this report. Although the overall total is £1,506,586 greater than the value identified in 2009 it is important to note that £2.4m for a wind turbine has been introduced (even if it proves to be 'cost neutral' over time when in operation, but it is a 'cost' that needs to be inserted as it is required as part of the delivery package in the S106). The asterisk items have a cost assigned to them that is 'indicative' of the costs involved in their provision.

Mindful of the reduction/deferrals now required for viability purposes, the table does nevertheless demonstrate that a substantial scale of expenditure is still warranted to deliver the obligations, facilities and mitigation measures required for a sustainable Sherford development as required by the Local Planning Authorities.

.The principal areas of the S106 which would be reduced or deferred are:

- **Community Park**

When reported to Members in 2009, it was suggested that the target specification to which the developer would be expected to design the community park should be £8m. This is also the value set out within the applicant's proposed S106 documentation submitted in October. This was not intended to be a 'cap', but a means of targeting a projected cost on what could be otherwise a very open ended commitment. Section 10.9.2 of the 2009 Planning Committee report (p129) and condition 15 (p 202) requires a specification to be agreed. Officers involved with the Saltram Park delivery, in conjunction with SHDC and Red Tree's landscape design teams have reviewed these costs, and consider that the park infrastructure could be delivered for £5m and so free up money within the overall scheme's viability, and improve the baseline affordable housing offer (as explained above).

It is considered that the overall requirements within the park would not be undermined from those envisaged in the 2009 report. This potential saving is identified following a more detailed design analysis, on a topic which is relatively difficult to cost without detailed designs being in place. Additionally, it is considered that there could be an opportunity to reinvest in the Community Park a further £1m through the 'claw back' arrangements if this is subsequently judged to be an appropriate use of the funding.



The only other change is that there is a suggested change in terminology from the 2009 report requiring an 'Implementation Plan' to the current proposal that refers to it as a Natural Environment Vision statement (requiring a revision to condition 15 –p202) This statement could deliver more robust ecological mitigation as explained below (7.3.4).

- **Ground Maintenance Building**

The S106 submitted by Red Tree in October set out proposals for a Ground Maintenance building which could be used by the authorities as a depot for maintenance equipment in the event of local authority adoption of open space and other community facilities. This was being provided as a response to SHDC policies and nominally would have cost approximately £250,000. The facility is, however, only required in the event that open space is transferred to the Local Authorities, (a position which is not encouraged but the principle authority for this would be SHDC). In the event therefore that Red Tree retain the assets, then the S106 need not bear the cost of providing such a facility. A saving of £250,000 is thereby identified.

- **Public Art**

Red Tree's initial offer was to agree to expend £3m through the S106 on public art within the development. Members consequently agreed that this could be reduced to £2m given the viability constraints on the development resulting from the economic downturn. Recent negotiations have suggested that the initial contribution to public art is reduced to £500,000 to support early delivery of affordable housing.

It is considered that this revision would still result in a considerable sum of money to be investing in public art initiatives. During the early AAP panel hearings, Public Art South West suggested that a reasonable contribution of £500,000 would be satisfactory on a development of this scale. Furthermore, as stated in the 2009 Planning Committee report (p109) caveats are warranted within the S106 to ensure that the money would be invested to improve the public realm and would not be used to refine architectural styles which could duplicate the purpose of the Design Code.

Additionally, it is considered that there could be an opportunity to reinvest in public art up to £2m through the 'claw back' arrangements if this is subsequently judged to be an appropriate use of the funding.

As required by the 2009 Planning Committee a Public Art and Culture Strategy would be submitted to the authorities by the 150<sup>th</sup> dwelling. This would be a S106 requirement – rather than a planning condition (Heads of terms M8-11 p 177 and condition 20 of the 2009 report (p204). The approved strategy, would set out how public art up to the £2m value would be delivered across the site.

It is considered that such obligations are consistent with the requirements previously endorsed by the Planning Committee and that as there is no specific AAP requirement that specifies the amount or level of public art that would be expected within Sherford the proposed funding changes are warranted.

- **Professional Fees**

In relation to professional fees officers have concluded that the anticipated introduction of local fee setting will enable the Council to cover the costs of determining future Reserved Matters applications and monitoring implementation of the scheme (the majority of

Reserved Matters applications would be within SHDC). Therefore, this provision as previously suggested in the 2009 Report PS 1-3 Heads of Terms (p182) can be re-allocated to supporting affordable housing delivery.

- **Design Codes**

Whilst this application has been made in outline form and precise details of detailed design would be assessed at later stages, the application includes proposals to ensure that the developments design follows an approved Town code. This is intended to ensure that a high quality of design is secured throughout the development and achieves co-ordination between future development sites over a lengthy construction period. This approach was considered in the 2009 Planning Committee report (p107) and in the DC1-3 Heads of Terms (p185) and is consistent with CS02 and NP05, The applicants have now absorbed some of the cost by reviewing detailed elements of the Town Code to enable them to fund their element of the additional affordable housing floor level.

As stated in 2.6 above, the applicants now propose changes to the Code since the 2009 Planning Committee report relating to details in respect of the use of Upvc products within buildings; chimney flues within apartments; and rainwater harvesting requirements. It is considered that these detailed changes would enable savings to be made to the developer's budget without detriment to the objectives considered to be warranted in the quality of sustainable development envisaged in the 2009 Planning Committee report and the proposal would still comply with the requirements of CS02 and NP05.

- **Health**

The 2009 Planning Committee report anticipated the potential delivery of a Health and Well Being Centre (HWBC) (p126), to accord with the aspiration of the policies. The Heads of Terms agreed by Members at the time therefore included arrangements to deliver such a facility (HC1-8, p165). The facility itself would have served a wider sub-regional catchment area over and above Sherford's population needs, bringing wider benefits to Sherford e.g. increased footfall for the town centre. Red Tree's obligation would have been to provide the land for the facility. Delivery of the HWBC itself would have been through a commercial arrangement between the Healthcare provider and the GPs themselves.

However, since then, NHS Devon has contacted the authorities and has advised Officers that they no longer seek this sub-regional facility to be provided within the settlement. Instead, health provision would be provided through GP surgeries, either through one super surgery located on the HWBC site, or by smaller neighbourhood units. The 2009 Heads of Terms provided for this arrangement as a default in the event that the parties could not agree terms for the HWBC. As previously, no contribution is being made towards delivering these facilities, as this will be a commercial arrangement between NHS Devon and the GPs themselves. The developers' obligation is, as before, to provide the land at a rate valued for such a facility. This would be at a rate valued for such a land use determined by the District Valuer at the time.

NHS Devon have consistently sought to receive a revenue contribution from the development of Sherford to cover capitation shortfalls during the development stage, but this has not been supported in negotiations with the developer given the viability constraints of the site and because the commercial nature of the delivery will mean that maintenance costs and salaries will be catered for. This arrangement is typical with other GP surgeries.



- **Library**

Devon County Council (DCC) has specified that the requirement for library facilities is a 400sqm library and information centre as reported in the 2009 Planning Committee report (10.8.4 p127). There are a number of options as to how this could be delivered. The first is by the developer itself, but the proposed S106 also includes options that could see the land transferred to DCC with a capital contribution amounting to £1.7m. The level of this contribution has increased since members were presented with a recommended heads of terms in 2009. The S106 also provides provision for safeguarding additional land for the library to expand should the settlement grow beyond 5,550 dwellings. Until the permanent library is opened there will be contributions to fund a visiting mobile library.

### **7.3 Wildlife, Protected Species and Biodiversity**

Members need to be clear about the requirements of the Habitats Regulations prior to determining applications affecting protected species. The applicants Environmental Statement suggests that there are a number of rare bat species roosting within the application site as well a number of foraging routes that criss-cross the site, which would inevitably be removed or disturbed as a result of the development. The issues were assessed in the 2009 Committee report - in particular the assessment in section 10.6.1 (p112).

The conclusion reached in section 7.3.5 below is that the LPA need not address the Habitats Regulations Derogation tests. However it is important that the Committee are aware of the reasons for this.

Committee reporting implications have been clarified in case law in the last two years and therefore the following section in 7.3.1- 7.3.5 are a supplement to the 2009 report and references to the proposed Implementation Plan in the 2009 report (particularly the proposed conditions) should now be in respect of a newly titled Natural Environment Vision Statement which incorporates strengthened requirements. The reasons for this are given in section 7.3.4 below.

#### **7.3.1 Material planning considerations**

AAP policies CS 19, NP05 and SNC10 (5, 6) seek to ensure that biodiversity within the site is conserved and enhanced and that appropriate protection is afforded to existing features of wildlife importance.

When dealing with planning applications that affect biodiversity conservation, Local Planning Authorities are also guided by the advice contained within Planning Policy Statement 9. The objective states that “where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused”.

Members are also alerted to the three ‘derogation tests’ that are set out within paragraphs 53 (2) and (9) of the Conservation of Habitats and Species Regulations 2010 and which apply when harm or disturbance to a European Protected Species is anticipated. Whilst

derogation licences are issued by Natural England, Local Planning Authorities should be mindful of the tests that would be applied during the issuing of such a licence. These in effect state that derogation would only be permitted (i.e. a licence to disturb a protected species would only be issued) if;

- the development must be for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- there is no satisfactory alternative; and
- the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable status in their natural range.

In making decisions, where deliberate disturbance is anticipated, Local Planning Authorities need to form a view on whether the three tests can be satisfied and whether it would be likely that Natural England would subsequently issue a derogation Licence. The need to address these tests, and to form a view on the likelihood of a licence being issued, has been clarified in case law in the last two years.

### **7.3.2 The available information and provision of alternative bat routes**

In support of the assessment of ecological impact survey work was undertaken to support the initial application and subsequent Addenda. This survey work has been reviewed and is considered appropriate to underpin the programme of protection and mitigation suggested to be secured through conditions.

Red Tree's Environmental Statement (ES) sets out proposed protection and mitigation measures that could be applied flexibly and responsively to updated survey work, throughout the development. Based on this, and the survey work undertaken, it is considered that there is sufficient information to enable an outline decision to be made.

Generally, it is considered that the loss of a small number of hedgerows across the heart of the site would not fundamentally disrupt bat activity at Sherford. However, to achieve this, alternative routes would be required by either enhancing existing routes or by creating satisfactory alternatives. The principles of these routes are outlined within the Masterplan and ES.

Partial displacement of bats from the key corridors that lie within phases of the development may be required, but the detours involved should be small and alternative corridors would be enhanced for commuting and foraging routes by the planting described in the applicant's submitted ES.

### **7.3.3 Review of conclusions of the 2009 Planning committee report**

As a result of the 2010 *R (on the application of Simon Woolley) v Cheshire East District Council* case, which considered the requirements placed upon LPAs by the Habitat Regulations, Officers sought to analyse further both the suggested conditions which Members agreed at the last Committee, and the evidence Red Tree submitted with the Environmental Statement. A local authority Habitat Regulations Assessment dated November 2011 is a

background documents that is available on request by contacting the case officer prior to your meeting. The conclusion reached was that the evidence and proposals put forward within the Environmental Assessment are satisfactory to enable a planning decision to be made and S106 obligations are warranted. However, it is also concluded that the required planning conditions, should outline approval be justified, will need to be strengthened to ensure that appropriate levels of detail are agreed at appropriate times to enable a fuller and more detailed assessment of mitigation measures to be made on a rolling basis.

#### **7.3.4 The Natural Environment Vision Statement and the strengthening of the suggested planning conditions**

To ensure that appropriate mitigation is both designed correctly and secured within the necessary stages of the development, a Natural Environment Vision Statement, including Implementation Plans, is required. This Statement would outline clearly the intentions of the ES, and set out phasing and delivery proposals going forward. Those plantings, and other measures, that are required early within the development to enable wildlife mitigation to be achieved effectively would clearly need to be identified as such. This Statement would be required by planning condition, and it is recommended that this is prepared and discharged prior to the commencement of any development. (See condition 15).

Given the importance of what this seeks to deliver, Officers anticipate this being one of the first details the applicants would wish to agree following outline consent. It would however be unreasonable to expect that on a development of this size, all habitat creation and landscaping details for the site be provided prior to the commencement of development. It is considered prudent to separate 'Biodiversity and Mitigation' landscaping from 'general soft and amenity' landscaping. This would ensure that the necessary early landscaping and habitat creation is detailed when it is needed in phase with the construction process. The distinction between 'Biodiversity and Mitigation' landscaping works and other more general landscaping would be identified through the Natural Environment Vision Statement which would timetable when all landscaping details would need to be provided and implemented. Management and maintenance arrangements for the proposed areas and features would also be specified.

As part of the exercise of reviewing the previously required conditions, Officers have sought to strengthen the design criteria of the 40m wildlife corridors to specify quite clearly the performance standards those corridors would need to achieve. The previous agreement with Natural England was that the 40m corridor could be reduced if evidence through monitoring supported a reduction. Officers however do not consider that this could be practically possible, as the only effective modelling that could be done is when the corridor is fully functional. Whilst it should be recognised that Red Tree's aspiration to complete tests and trials within their own site is laudable, under the precautionary approach, it is felt that this modelling would need endorsing as national best practice before a reduction in corridor widths could be tolerated. The conditions imposed by the local planning authorities would reflect this view.

It is considered that the suggested revisions to the conditions also improve and define the purposes of monitoring to ensure that the mitigation proposals are functioning and working properly (proposed condition A).

It is also considered necessary to secure full details of biodiversity enhancements and

appropriate timescales through the detailed Vision Statement. The increase in the aquatic and marginal habitat as proposed would see extensive landscaping and new Community Park habitats. This should result in a general improvement in biodiversity, with there being positive impacts in the value of this area for birds, mammals, reptiles, amphibians and invertebrates.

Officers and Natural England both support the view that there are net benefits to site habitats and species as a result of this development going ahead. However, there are negative impacts, and the question is whether these can be overcome with protection, mitigation and compensation measures. It is recommended that the suite of conditions will achieve this, and allow outline consent to be granted, whilst ensuring appropriate detail will come forward at the Reserved Matters stages.

### **7.3.5 Conclusion - No need for the Derogation Tests**

The derogation tests themselves in respect of European Protected Species apply only where there would be deliberate killing, injury or disturbance to bats. It is considered that adherence to all aspects of the proposal as detailed in the Environmental Statement, along with adherence to the planning conditions now suggested would avoid deliberate harm or disturbance. It is considered that these matters are sufficient for the LPA to determine this particular planning application without the need for the Conservation of Habitats and Species Regulations Derogation tests.

### **7.4 Comments upon some of the concerns recently raised in representations**

**7.4.1** Three later letters of representation have been received in relation to traffic on Sherford Road and an additional letter expressing concerns about Stanborough Cross and the impact of traffic on other 'rat runs' in the area. The impact of any Construction traffic on Sherford Road would be controlled through Condition 24 which would be enforced to prevent Construction traffic using Sherford Road and requiring construction access to be provided in other parts of the site. Condition 27 requires that measures are put in place to control traffic and provide safe pedestrian facilities between the site and Elburton while the S106 Agreement requires that measures are put in place to limit traffic using Sherford Road by the provision of measures on Sherford Road. The Conditions and clauses, require works to be carried out, to be approved in advance, to mitigate the adverse impacts of both construction vehicles and additional development traffic and are considered to be fair and reasonable and such would be in accordance with the Conditions agreed at the 2009 Planning Committee.

In relation to Stanborough Cross, significant improvements would be provided to the junction which together with the provision of the main street would ensure that additional capacity is available to accommodate development traffic and existing through traffic whilst ensuring that no additional traffic is transferred onto unsuitable routes. Contributions would also be obtained to limit traffic impact on Red Lion Hill and Plympton Hill in accordance with HW3 if required.

**7.4.2** The following representations were considered by SHDC Development Management Committee in December and are repeated below to assist PCC members in understanding some of the wider concerns relating to some aspects of the development in the adjacent LPA area.

**Turbines and heritage impacts.** Representations were received following the consultation on the S106 relating to the clauses set out in the Energy Schedule which obliges the developer to install the turbines as part of the Energy Strategy. As part of earlier objections to the principle of the turbines, the effect upon the setting of the Higher Hareston listed building has been raised again. At the request of English Heritage, Red Tree provided further clarification to the photomontages that were submitted with their Environmental Statement in the form of detailed cross sections and spot height analysis. Officers are satisfied that the recent representation raises no new issues that are different from the merits previously considered. It is accepted that nothing has changed in terms of the proposals and the evidence supplied by Red Tree suggests that the ES conclusions remain appropriate. In this respect, Officers are content therefore that the earlier recommendations are still valid. Concerns were also received recently over the impact of the turbines upon the setting of the listed building at Lyneham. Lyneham is approximately a mile from the proposed location of the second wind turbine and sits to the east of Higher Hareston amongst a woodland back drop. It is considered that the turbines impact upon this Grade I building is not so significant or detrimental to its setting as to justify a refusal.

**Water Supply.** Some concerns were raised about the water supply to the new settlement and whether there is appropriate capacity within the existing reservoirs to serve the additional demand. South West Water as statutory body has been contacted to confirm their position and have stated that their Water Resources Plan has taken into account all new planned development including Sherford. They are therefore satisfied that water supply to Sherford is not an issue.

**Community Governance.** Consideration has been given to some of the concerns received from Brixton Parish Council about some details relating to local governance aspirations. As well as establishing a Community Trust the S106 contributes £50,000 to support the development of local governance. With a future population of 12,000 it is likely that a Town Council will be established to support the new community, and this contribution will primarily be used to establish the new council. However, to ensure transitional arrangements are in place, a proportion of the contribution will be used to support the current role of Brixton Parish Council. As currently drafted, the proposed S106 splits this sum with fixed caps to ensure £40,000 is safeguarded towards a set up cost for the Town Council. However, it has been agreed that these caps will be removed so that additional support for Brixton Parish Council can be provided from this sum should there be a justified need to.

## **7.5 Consideration of further S106 matters concerning Sports Centre delivery**

### **7.5.1 Sports England concerns**

The sports centre will be delivered in two phases. Phase 1 consists of the swimming pool and will be constructed by the developers in an early phase. The sports centre will be required by 2300 dwellings at a point in which it is reasonably considered necessary for the population at the time. During the S106 consultation stage, comments back from Sport England and PCC expressed potential concern that changing facilities serving the western pitches may not be provided on time as there was potential for them to be delivered in with the Sports Centre. Officers are however satisfied that this is not the case as the S106 expressly ensures that changing facilities serving the western pitches will be delivered at the

same time.

In the event that dual use is not secured on any of the school sites, then it is necessary to ensure that those pitches are delivered as close to the point in which the school would have delivered them as possible. This is necessary as the eastern pitches do not get delivered until 5000 dwellings. The effect of this is that residents would be seriously deprived of outdoor pitch provision until the delivery of the eastern pitches. Officers have worked closely with the developers on this issue and are satisfied that the S106 clauses deliver what has been sought.

## **7.5.2 Provision of a Sports Centre to serve the public in the locality**

As reported in the 2009 Planning committee report (10.10.4/5 p 134 and 135) and the proposed Heads of Terms SR6-8 p 175) the proposed sports centre would be located within PCC's boundary and should be provided by the applicants to satisfy the general indoor sports and leisure needs arising from Sherford and the indoor swimming pool needs from the locality as agreed with the applicants. NP05 (18) of the NPAAP suggests that a swimming pool could be provided on site as part of the sports hub campus. The facility would be provided in a phased manner; the Swimming Pool element being within phase 1 of the sports centre. Red Tree agreed to bring forward the delivery of the swimming pool by the 701<sup>st</sup> dwelling and 'accepted' a negative obligation ensuring development cannot proceed beyond the 700<sup>th</sup> dwelling without that delivery and phase 2 of the sports centre would be provided by 2300 dwellings.

Red Tree agreed to the provision of the 4 lane heated 25m swimming pool (which exceeds the size warranted by strict interpretation of the Sports England calculator) on the basis that PCC accept the responsibility to use Reasonable Endeavours to collect contributions from other major developments within the area that may come forward in the period to the completion of Sherford or 2026. The current demand arising from the Sherford development, plus an allowance for future growth in swimming according to Sport England growth targets, as agreed with the applicants is: 0.63 of a four lane swimming pool and reasonable endeavours might secure just over £900,000 from other developers in the locality. The Plymstock Quarry Morley Park development is one example where contributions have been identified by the local planning authority to provide this shortfall should planning permission be granted for this Sherford application (and it understood that the Plymstock Swimming Pool Association has also secured funds to contribute to this facility).

## **7.5.3 Community Estate obligations on the owners**

The Community Estate is now a term used since the 2009 Planning Committee report to include public realm land, open space and other community assets provided for public use and benefit, but excluding schools. The underlying principles are the need to balance those assets amounting to a liability for expenditure with those producing an income, to produce a community benefit. This is defined as the enhancement of the well-being of those who live and/or work within the community. It may include cross subsidisation of net revenue to fund maintenance and management.

The S106 agreement would impose obligations on the owners to maintain the community estate for community benefit, and restrict disposals of community assets to bodies approved by the planning authority. The Community Trust is an obvious choice, but other options



may be appropriate. Without the approval of the planning authority to a transfer, the default position is that the community estate continues to be the liability of the owners and managed for community benefit.

It is considered that this addresses some of the concerns expressed in the 2009 Planning Committee report to avoid future management cost implications and maintenance responsibilities of the sports centre falling unexpectedly upon PCC.

### **7.6 Recent Viability Assessment and the importance of Bonding and securities**

The commissioning of DTZ to assess viability subsequent to the 2009 Planning Committee report and the use of their bespoke model to factor growth into the viability assessment is mentioned in section 7.2.3 above.

The modelling work conducted by DTZ on the viability of the scheme is considered to be superior to that of Knight Frank's viability modelling work. This is primarily due to the insistence that a more objective and reasonable set of assumptions be employed. With the inclusion of growth forecasts, the viability assessment demonstrated that by estimating realistic rates of house price and build cost inflation, the scheme was likely to deliver significantly improved levels of affordable housing at a later stage by 'the claw back pool' linking the level of affordable housing to the performance of the housing market.

DTZ's work provided a good measurement of the proposal's financial viability. The clawback was tested through a modelling exercise which tested the outcome under a number of different housing market scenarios. PCC's viability officer considered that the testing of the clawback was limited. Nonetheless, when applying DTZ's housing market scenarios (based on forecasts by Oxford Economics), it was considered that the exercise demonstrated that 'the clawback pool' could contribute towards the delivery of additional affordable housing.

The viability assessment contains detailed information which is considered commercially sensitive and cannot be provided within this public report. A summary of the viability assessment is included as a confidential background (Part 2) document and can be made available on request by contacting the case officer prior to your meeting. The S106 cost schedule containing details of particular heads is commercially sensitive and attached as a Part 2 document (**Appendix 4A**).

### **S106 Implications for securities**

S106 obligations often require security arrangements to ensure that appropriate facilities can still be delivered in the event that a developer defaults, or becomes insolvent before the obligation is completed. Under the earlier proposals submitted by Red Tree, the risks of this occurring were significantly less given the substantial amount of early infrastructure that would have been provided. As some infrastructure would now be phased over a longer period, security provisions are warranted in the S106 to protect the community against any default. This is typically achieved by the developer providing a cash bond up front, to act as an insurance policy. However, with a scheme of this size, and a S106 package of approximately £110m, excluding affordable housing, this would be impractical given the viability constraints affecting this site. In today's markets, the cost to Red Tree of bonding this contingency in advance could approach the cost of providing the facilities themselves,

which would undermine the delivery of the proposal.

Security can be achieved by means of a cash bond, a charge over land, and/or an escrow account into which the developer makes advance payments. Charges over land allow the developer to 'ring fence' developable parts of the land, and mortgage them to the planning authority for such security purposes. In the event of insolvency, the authority can then effectively realise the value of that land by means of a sale to capture the contributions in order to finish providing the required mitigation. Legal advice has confirmed that this is an acceptable form of security, albeit there can be delays in effecting a sale to realise the value needed to complete the works of mitigation. The S106 agreement must therefore contain provisions preventing commencement of development beyond an identified security point until the planning authority's security requirements for that part of the development have been met by the developer. Following recent discussions agreement has now been reached over the outstanding items in the submitted s106 that were reported to the SHDC Development Management Committee, and it is now considered that the council's interests can be protected in the proposed S106 drafting.

## **7.7 Cascades**

The Cascade mechanism differs slightly from the deferred obligations process – the former relates to unspent contributions whilst the latter involves allocations of the claw-back pool (assessed in section 7.2. above).

The cascade topic has been the subject of much discussion, with the applicants adopting a much more restrictive approach requiring the preparation before development commences of a list of items which have been lost or curtailed as a result of the economic downturn. The principle is that items to which unspent contributions can be cascaded would be within the same subject schedule, or to other schedule subjects. The draft submitted by the Applicant would have prevented any funds cascading to and being used to enhance the provision of affordable housing. However, just prior to the South Hams Development Management Committee in December 2011, the applicant has agreed to remove this proviso and allow cascaded contributions to fall to Affordable Housing after all items on the agreed list have been satisfied. This requirement is now incorporated into the suggested S106.

## **8. SECTION 106 CONSIDERATIONS**

### **Community Infrastructure Levy (CIL) tests**

Following the Committee resolution in 2009, officer time has been focussed on securing the Heads of Terms agreed by Members (save where amendments have been needed as outlined in this report).

The role of S106 obligations is to ensure that any consequential impact of new development that is considered to be unacceptable is mitigated and to ensure the development meets the objectives of the development plan. S106 obligations should not be considered as a 'wish list'. Obligations should comply with the tests set out in Circular 05/05. The introduction of the CIL Regulations 2010 made three of the previous tests a statutory requirement. These state that obligations must be a. necessary to make the development acceptable in planning terms; b. directly related to the development; and c. fairly and reasonably related in scale and kind to the development. It is considered that the proposed obligations would be CIL



compliant. The CIL compliance assessment is made against the principles of the required S106 obligations (see **Appendix 5**).

## **9. HUMAN RIGHTS & EQUALITIES**

The statement made in the 2009 Committee report (10.14) that there should be positive benefits and no negative impacts on any of the equality groups remains of relevance to the determination of the application.

Due regard has been given to the provisions of the Human Rights Act and in particular to the rights under Article 1 of the First Protocol, namely the right to the peaceful enjoyment of possessions, and Article 8, the right to respect for private and family life. In arriving at this recommendation due regard has been given to all objections and support received and the reasoning behind such representations, all consultation responses and the public interest as expressed through Development Plan Policies and Central Government guidance, all of which have been balanced against the rights of the applicants.

The development is designed to cater for the needs of a new sustainable community, with sports centre incorporating a public swimming pool, walkable neighbourhoods, cycle paths, bus routes, retail outlets and affordable housing. There is provision of an option for elderly person's accommodation and 20% of residential units will be built to Lifetime Homes standards. The Sherford wide development promotes the formation of a Community Trust, incorporates provision for health facilities and employment space and community infrastructure including a town hall, church, youth facilities, sport and recreation facilities including a large community park.

Detailed arrangements to meet the needs of all sectors of society will be addressed at reserved matters stage and by discharging the requirements of the S106 agreement.

## **10. CONCLUSION**

The conclusion reached in the 2009 Planning Committee report is still relevant. The proposal is one of regional significance. It is estimated that the total investment into Sherford would amount to over £1 billion, and the S106 would secure delivery of approximately £110m of community infrastructure, excluding the cost of delivering affordable housing which is estimated to be between £82m-£100m, depending on the performance of the 'claw back mechanism'.

It is considered that the suggested scale of eastern corridor infrastructure works are necessary not only to assist in achieving the required level of modal shift, but also to achieve a public transport service that is efficient. This is required to ensure that the development can be accepted within the highway network. It is considered that the revised 1300 dwellings 'trigger' for requiring completion of the Main Street together with provision of the Park and Ride and improvements to Deep Lane junction should not be an issue from the highway network perspective and in compliance with policy NP05.

An affordable housing level of less than 30% (PCC policy) would be a key policy shortfall – but this factor was also considered in the 2009 Planning Committee report and the current proposal is considered to be an improvement upon the base level agreed at that time (64 homes without grant within the PCC boundary instead of the 24 without grant envisaged in

the 2009 report) and there is a possibility of reaching the policy level subject to the performance of the 'clawback mechanism' as outlined in this report.

A principal new factor upon security of delivery is the demise of the previously envisaged national funding arrangements/allocation with an opportunity that existed at that time to secure HCA grant to increase affordable housing levels at Sherford. Nevertheless, the current proposal would result in a guaranteed delivery of 550 affordable dwellings within the first half of the scheme without public subsidy. This baseline provision of 20% affordable housing in the first half of the scheme supplemented by the 'claw back mechanism' could secure delivery of 20-30% affordable housing over the life of the development, without grant.

It is considered that the proposed level and proposed 'clawback mechanism' to be secured by the S106 would represent an improvement upon that considered warranted in the 2009 Planning Committee resolution. The SHDC Planning Committee is willing to accept this level which is below the Sherford AAP policy target of providing up to 50 % considering that from the DTZ work, the clawback is likely to be successful.

As in 2009, on balance, it is concluded that the proposal broadly meets the AAP requirements and implementation needs to be secured and managed through a combination of the S106 Agreement and appropriate conditions with the changes as detailed in this report and recommendation.

The application documents and in particular the Environmental Statement and further information relating to protected species and the applicants suggested revised proposed S106 obligations have been taken into account in the making the recommendation of approval .The views of consultees and interested parties have also been considered and particularly the Direction from the Highways Agency.

For the reasons given in this report the development with proposed S106 changes is now considered to better accord with the development plan requirements for a sustainable Sherford development. An essential part of the recommendation is that it expects commitments from the applicant to comply with the conditions and the essential S106 obligations, without which a different recommendation would be warranted.

## **RECOMMENDATION**

**That Members resolve to grant outline planning permission subject to the following:**

- 1. Completion of a joint authority S106 Agreement to deliver the requirements as set out in this report and appendices.**
- 2. The Highways Agency lifting its current Direction to enable the consent to be issued once the Agency is satisfied that there is no significant adverse impact on the A38 and the imposition of any planning conditions or S106 clauses proposed by the Agency.**

3. **The revised and additional planning conditions (as detailed below) to those approved in the 2009 Planning Committee report, together with any proposed by the Highways Agency in response to the withdrawal of the Holding Direction.**
4. **That authority is delegated to the Assistant Director to refuse the application if the S106 is not completed within 6 months**

## **REVISED AND ADDITIONAL CONDITIONS**

### **New condition to reflect standard practice:**

#### **(1) STANDARD CONDITION**

This planning permission is for the construction of part of the proposed 'Sherford' settlement comprising residential development (in the region of 320 new dwellings); a community sports hub; recreation and open space facilities and detailed approval for highway improvements to Stanborough Cross; the construction of a new junction with Hays Road and the construction of part of a Main Street link road to serve 'Sherford' and the development hereby permitted shall only be carried out in accordance with the information submitted in support of the application listed below, except in so far as the submitted information is amended by the conditions specified below.

- Planning Application Form (dated 15/12/2006,)
- Approved Documents

Masterplan Book (January 2008) and addendum (May 2009) , Town Code (January 2008) and Addendum (May 2009) ,Main Street: Deep Lane Junction to Stanborough Cross (January 2008 and Addendum (May 2009), Transport Assessment (November 2006, Addendum (October 2007) and Addendum 2 (May 2009), Retail Impact Assessment (November 2006), Environmental Statement (November 2006, Addendum (October 2007) and Addendum 2 (May 2009), Environmental statement Non-Technical Summary (November 2006) and Addendum (May 2009), Report to Inform and Appropriate Assessment Addendum (October 2007), Flood Risk Assessment (November 2006) and Addendum (October 2007), Figure 1 Key Fixes, KDI, 038-111/11.1001 Rev OPA/1

Reason:

To define the permission and to ensure the permission is implemented in all respects in accordance with the submitted details, in accordance with Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

### **Amended condition 5 and 6 to align with those imposed by SHDC on the adjacent area and to allow 3 years for submission as the HCA grant is no longer available:**

#### **TIME LIMIT FOR SUBMISSION**

(5) The applications for the approval of Reserved Matters as set out in condition (3) above, which relate to development within phase I, shall be submitted to the Local Planning Authority within three years from the date of this permission. All applications for approval

of reserved matters which relate to development within phase 3 shall be submitted within four years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and the need to phase the development in association with proposed neighbouring development, in the interests of public safety, convenience and amenity.

#### TIME LIMIT FOR COMMENCEMENT

(6) The development permitted for each Area mentioned in condition 1 above shall commence either before the expiration of three years from the date of this planning permission, or before the expiration of one year from the approval of the first application for Reserved Matters within that Area, whichever is the later.

Reason:

To comply with Section 92 of the Town and Country Planning Act, 1990 and the need to phase the development in association with proposed neighbouring development, in the interests of public safety, convenience and amenity

**Amendments to conditions 7 and 15 and two new conditions requiring ecological update surveys to provide more robust conditions within the framework of a Natural Environment Vision Statement. Also an Informative is warranted in respect of the Habitat and Species Regulations 2010**

#### RESERVED MATTERS –WILDLIFE BAT CORRIDOR

(7) Detailed plans and particulars of the Reserved Matters within Area 4 referred to in condition 1 and 3 above shall include a wildlife bat corridor on the general alignment through the application site shown on plan ref KDI (attached and marked 'bat corridor') and in general accordance with lavigne. lonsdale sheet 12,13,14 details shown in the Main Street book and with the proposals submitted with details in the Environmental Statement referred to in condition 12 below and in accordance with the details referred to Natural England and the Local Planning Authority on the 7th December 2007, 27th May 2009 and 30th June 2009.

Details of its delivery relative to others within Sherford shall form part of the Natural Environment Vision Statement required by condition 15 below.

Prior to the commencement of development within the application site, detailed plans and particulars of this wildlife bat corridor, with detailed planting plans at 1:500 and 1:100 scale and scaled cross-sections through the proposed structure and across the Main Street and also across the application site to neighbouring development, shall be submitted to the local planning authority.

The wildlife bat corridor shall be provided across the site strictly in accordance with the detailed Natural Environment Vision Statement as required by condition 15 below concurrently with the residential development within the site and shall be completed to the extent shown on plan ref KDI (attached and marked 'bat corridor') to the satisfaction of the local planning authority prior to the substantial completion of residential development within the phase 1 part of the site.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required to ensure that full and adequate details are provided to enable assessment of the proposed development, including assessment of the mitigation measures proposed to safeguard protected species and relative heights of walls, gantries and planting in relation to the streetscape, the proposed development and the existing structures within and bordering the Greenway buffer zone and the application site.

## NATURAL ENVIRONMENT VISION STATEMENT AND RESERVED MATTERS

(15) Prior to the commencement of any development within the site a Natural Environment Vision Statement (hereafter referred to as the 'Vision Statement') for Sherford shall be submitted to and approved in writing by the Local Planning Authority to identify how the phased delivery of all public space, landscaping and biodiversity features for Sherford outlined in the Masterplan, Town Code and Environmental Statement will be delivered across this particular Application Site.

The Vision Statement shall describe the aims and objectives, key design characteristics and location and layout for all proposed landscape and biodiversity features as outlined in the Masterplan Book, Town Code, Environmental Statement and Landscape Masterplan. As such, the Vision Statement shall form an integrated cohesive vision for the whole Sherford site and shall include the following components:

- Buffer Zones
- Key Wildlife Corridors (Sherford Quarry Wood and A38 corridors)
- 'Other' Wildlife Corridors (e.g. Minerals and Landscape corridors such as that shown on KD 1 attached))
- Sherford Quarry Wood Buffer strip
- Greenways
- Water bodies
- Semi-natural green space
- Wildlife foraging areas
- Bat Road Crossings (i.e. those points at the intersection of roads and wildlife corridors)
- 70 hectares of Woodland planting
- The Community Park

All of the above features shall be shown on a colour 1:2000 scale plan with detailed extracts where appropriate.

The Vision Statement shall provide a timetable showing how implementation of the above components are to be matched to and delivered through the various phases of development. A clear distinction shall be made between those works that are necessary to be carried out during the first phase of the development, and those that shall be undertaken in subsequent phases or to be considered as part of the details submitted pursuant to the Reserved Matters or other individual schemes. For the avoidance of doubt, the submitted timetable shall ensure that mitigation works to be provided in the first phase shall be commenced in the first planting season following the commencement of development. The Vision Statement shall also include a public access statement identifying how public access to each of the components will be permitted, restricted and managed. Furthermore,

the Vision Statement shall also include maintenance specifications for each of the above components.

The Vision Statement shall also outline how land remaining outside of areas already built or under construction will be managed so as not to fall redundant or derelict. In particular it shall outline how land outside the development areas and referred to as NP06 on plan KDI shall be managed so as not to fall redundant or derelict.

The Reserved Matters for proposals within the application site shall demonstrate compliance with the latest version of the Vision Statement as approved by the Local Planning Authority, or with the latest set of ecological update assessments (see condition A).

They shall include provision of scaled drawings and cross-sections at 1:100, for all planting, habitat and hard and soft landscaping works required to deliver all mitigation, compensation, enhancement and creation measures relating to that specific component. They shall specifically set out the proposed layout, location, boundary treatment and access provisions and including the detailed parking arrangements and delivery arrangements for the allotment to be provided in Area 4, including toilets, water supply and composting facilities. The details shall also include the detailed drawings of the proposed Cycle routes; Footpaths; Bridleways and Trim Trails affecting the site including links to King George V playing fields and Elburton Details shall be submitted of the Informal and Formal Play areas and areas for recreation and facilities associated with the sports pitches within Area 4 together with details of public art; meeting points, shelters, signs; furniture, bins, gates and stiles; gateways and lighting.

The long term, management and maintenance for all structural landscaping within Area 4 shall be carried out in accordance with the details approved by the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out and subsequently maintained in accordance with Policies CS18, CS19 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021.

(A) ECOLOGICAL UPDATE ASSESSMENTS AND REVIEW OF THE VISION STATEMENT  
No Development shall take place on any part of the site until a bat survey to an appropriate standard, over an appropriate timescale has been undertaken, to a methodology previously approved by the Local Planning Authority. The survey shall be carried out with the express purpose of identifying and recording pre-commencement conditions of the site with which to benchmark future surveys and subsequent monitoring pursuant to condition (B). The results of the survey shall be submitted to the Local Planning Authority prior to the commencement of any development. No Development shall take place on any part of the site until a rolling programme for ecological update surveys, as outlined in the ES and ES Addendum documents (November 2006, October 2007 and May 2009), has been submitted to and approved in writing by the Local Planning Authority.

The rolling programme shall identify which species and habitats will be subject to on-going survey, the methods to be employed, where the surveys will be carried out and the season during which such surveys need to be undertaken.

The agreed update survey programme must ensure that necessary surveys are undertaken in advance of the development of a particular part of the site (e.g. as may be covered by a



Reserved Matters applications or other individual scheme) and with sufficient lead in time to fully inform the preparation of such applications.

The ecological update surveys shall be carried and the results submitted to the Local Planning Authority for agreement in writing, accompanied by a comprehensive assessment to identify changes, if any, in the conservation status, abundance or distribution of Protected Species and their habitats likely to be affected by later phases of development.

The Vision Statement approved pursuant to Condition (15) shall be reviewed and updated in light of the results of the above ecological update assessments to confirm the Vision Statement's continued relevance to remaining phases as development progresses. Such updates to the Vision Statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory biodiversity enhancement works are carried out and subsequently updated to be effective in accordance with Policies CS18, CS19 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021.

#### ECOLOGICAL MONITORING AND REMEDIATION MEASURES

(B) Details and particulars pursuant to Conditions (16 (f)) shall include an ecological monitoring strategy. The strategy shall set out the proposed scope for a series of monitoring reports that shall be submitted through the course of development and how these will relate to the pre-commencement ecological information approved pursuant to condition (16). The strategy shall also set out when individual reports shall be submitted and shall describe in appropriate detail the monitoring methods to be used, to a specified timetable, in order to ensure that all ecological measures, management practices and retained corridors are functioning appropriately (e.g. meeting stated conservation objectives as set out in the Natural Environment Vision Statement). To do this the strategy shall identify appropriate success criteria, thresholds, triggers and targets against which the efficacy of the various measures can be judged.

The monitoring shall be carried out in accordance with the approved strategy and the results of the ongoing individual reports submitted in a report to the Local Planning Authority for agreement in writing. Where the results from monitoring show that aims and objectives are not being met, the report shall also set out how remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning components set out in the Vision Statement.

Reason:

To ensure that satisfactory biodiversity enhancement works are carried out and subsequently updated to be effective in accordance with Policies CS18, CS19 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021.

#### INFORMATIVE - EUROPEAN PROTECTED SPECIES – LICENSING

Where any species listed under Schedule 2 or 4 of the Conservation of Habitat and Species Regulations 2010 is present on the site and where an offence under Regulation 41 is likely to occur in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place which are likely to cause an offence under Regulation 41 unless a licence to affect any such species has been granted in accordance



with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

**Amendment to condition 17 to reflect increased number of affordable dwellings and tenure**

HOUSING

(17) Detailed plans and particulars of the Reserved Matters within Areas 1 and 2 referred to in conditions 1 and 3 above shall include provision of in the region of 320 dwellings at 40-50 dwellings/hectare, including detailed locations of a minimum of 32 Shared Ownership homes and 32 Affordable Rented homes, within phase 1 of the development. The total number of affordable housing delivered within each of the Areas 1 and 2 shown on plan KDI attached shall be in proportion with the total housing proposed in those areas. All the 320 dwellings in these Areas shall be built to at least Eco Homes 'Excellent' standard. A minimum of 20% dwellings shall be built to full Lifetime Homes standards.

Reason:

To ensure a satisfactory relationship between the proposed development of the application site with that proposed on adjoining land and in accordance with CS01 and CS15 of the adopted City of Plymouth Local Core Strategy 2006-2021 and NP05 of the adopted North Plymstock Area Action Plan.

**Deletion of condition 20 as the provision is dealt with in the S106**

**Amendment to condition 32 to reflect current PCC car parking policy**

CAR PARKING STRATEGY

(32) Applications for Reserved Matters approval shall each be accompanied with a Car Parking Strategy. The strategy shall detail provision across the Application Site for each use class (requiring an overall maximum of 2 spaces for residential properties), opportunities for shared use, management and maintenance of public car parking areas, operation regime including waiting restrictions. The standards and proposals contained within the approved Parking Strategy (or any variation of it agreed in writing with the Local Authority) shall be implemented strictly in accordance with the Parking Strategy.

Reason:

In order to limit car parking serving the development in order to encourage the shift to sustainable modes of transport as an alternative to the private car and hence reduce vehicular trips on the highway network in accordance with Policy CS28 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

**New condition to encourage use of public transport and reflect consistency with SHDC conditions**

BUS STOPS

(C) Detailed plans and particulars for all applications for Reserved Matters approval shall include details, locations and accesses to bus stops within the area within that Reserved Matters application. No development approved pursuant to such application shall be occupied until all bus stops within that Reserved Matters area have been provided to a specification which shall have been previously agreed in writing by the Local Planning

Authority. Details shall also be submitted for bus stops on the Main Street adjacent to the Sports Centre. Occupation of the Sports centre shall not take place until the adjacent bus stops have been provided to the agreed standard unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interest of highway safety and amenity and to encourage greater use of public transport for journeys to and from the development, in accordance with Policy CS28 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007.

## Planning Committee

**Tuesday 28 July, 2009**

**PRESENT:**

Councillor Mrs. Stephens, Vice-Chair in the Chair.

Councillor Fox, Vice-Chair.

Councillors Mrs. Aspinall (substitute for Councillor Vincent), Mrs. Beer (substitute for Councillor Nicholson), Delbridge, Mrs. Dolan (substitute for Councillor Mrs. Bowyer), M. Foster (substitute for Councillor Lock), Martin Leaves, Roberts, Stevens, Wheeler and Wildy.

Apologies for absence: Councillors Mrs. Bowyer, Lock, Nicholson and Vincent.

The meeting started at 2.30 p.m and adjourned at 7.45 p.m.

**Thursday 6 August, 2009**

**PRESENT:**

Councillor Mrs. Stephens, Vice-Chair in the Chair.

Councillor Fox, Vice-Chair.

Councillors Mrs. Aspinall (substitute for Councillor Vincent), Delbridge, Mrs. Dolan (substitute for Councillor Mrs. Bowyer), Roberts, Stevens, Wheeler and Wildy.

Apologies for absence: Councillors Mrs. Beer (substitute for Councillor Nicholson), M. Foster (substitute for Councillor Lock) and Martin Leaves.

The meeting recommenced at 4.00 p.m. and concluded at 4.20 p.m.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

**18. DECLARATIONS OF INTEREST**

There were no declarations of interest made by Members in accordance with the Code of Conduct.

**19. CHAIR'S URGENT BUSINESS**

There were no items of Chair's urgent business.

**20. QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

**21. PLANNING APPLICATIONS FOR CONSIDERATION**

The Committee considered the following planning applications, development proposals by local authorities and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservation Areas) Act, 1990.

An addendum report was submitted in respect of minute number 21.1.

**21.1 "SHERFORD NEW COMMUNITY", LAND SOUTH/SOUTHWEST OF A38 DEEP LANE AND EAST OF HAYE ROAD, ELBURTON, PLYMOUTH 06/02036/OUT (Red Tree (2004) LLP)**

Having heard the officer's in-depth presentation of the application, Members expressed concern about the late submission of the addendum and requested an adjournment to allow more time to digest the additional information contained therein. Members also voiced their dissatisfaction at the extra recommendation which had been included in the addendum. In response to the concerns raised, the

additional recommendation (no. 8) within the addendum was withdrawn and a vote took place on whether or not the meeting should be adjourned.\*

At the reconvened meeting on 6 August, 2009, Members were updated as follows –

- (i) that notification had been received from the applicant that 11.37% affordable housing would be provided as a baseline delivery, without grant or caveats, within phase one of the development. This would equate to a total of 80 houses in phase one, 26 of which would be within the Plymouth boundary;
- (ii) that South Hams District Council had approved the application, subject to the 5 conditions set out below, and granted delegated authority to issue the planning permission in association with Chair and Vice-Chair –
  - Plymouth City Council being supportive of the application
  - Highway Agency Direction being lifted
  - Joint S106 (as per Appendix 2 of the report and the requirement to commence phase one in 2010)
  - Planning conditions being complied with
  - Clawback pool -
    - an improved apportionment of the pool (to 60%-40%)
    - the use of Real-Time prices in its calculation rather than regional indices
- (iii) that 2 additional letters of representation had been received from –
  - 40 Sherford Road, Elburton - expressing concerns about the levels of construction traffic and the reduction in affordable housing
  - 20 Haye Road, Elburton – expressing concern about construction traffic, possible future road widening of Haye Road and the lack of notification to all local residents about amendments to the application.

Decision:

Application **MINDED** to grant conditionally, subject to the following –

- (1) the neighbouring planning application being considered in detail by the SHDC Planning Committee and it's agreeing that a joint S.106 is warranted in respect of a planning permission;
- (2) the Highways Agency lifting its Direction and the imposition of any directed conditions or S.106 obligations from the Agency;
- (3) the completion of a joint authority S.106 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. These requirements are essential adequately to reflect Regional planning policies, the PCC Core Strategy and NPAAP planning policies and proposals as indicated in this report;
- (4) the S106 must facilitate appropriate S106 mechanisms as described in this report to deliver the enhanced level of affordable housing as proposed by the applicants and currently supported by the Homes and Communities Agency. An important assurance is needed that development commences in 2010. This is needed in the public interest to assist in the provision of an appropriately balanced community;
- (5) the Town Code framework must assist in the determination of reserved matter submissions (10.4.1) but any clause suggested by the applicants that there should be a presumption in favour of reserved matter applications that are supported by the Review Panel would not

be accepted (10.4.4);

(6) the joint S.106 should include the following provisions for development within the PCC boundary:

- all affordable housing should be at least Eco Homes Excellent and in accordance with HCA grant requirements (currently CSH 3 up to 2011 and CSH 4 and beyond thereafter), and elements of the HCA's Design and Quality Standards
- there should be provision of 20% Lifetime Homes
- the S106 should require Red Tree to be responsible for the delivery of a sports centre of 2,140sqm for the functions listed in the planning application (and including those listed in 10.10.5). They should be provided to Sport England standard unless otherwise agreed by the local planning authority. The charging, access, initial running and operational arrangements of the sports centre should be agreed prior to the submission of the reserved matter application and the swimming pool and sports pitches should be completed and should be available to the public by the end of phase 1 or the provision of 700 dwellings whichever is earlier
- there should be phased provision of the Sports Centre and early delivery of the swimming pool without a requirement for PCC having to meet the difference in funding the Sports Centre (the 66% issue) as explained in the Committee report ( 10.8.7). There should be a commitment to at least BREEAM Excellent for the Sports centre with additional energy efficient technology including the application of small scale renewables e.g. micro CHP etc for the pool (10.3.3)
- the provision of contributions for walking/cycle/public transport links, community facility links as specified in Appendix 2 and Document 2 of the report with a requirement that if contributions to offsite walking/cycle 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)
- the provision that any Bullers/Plympton Hill traffic management scheme that is installed in the initial years of development, to be removed if deemed to be no longer required.(10.1.10)
- the 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)

(7) the planning conditions (as outlined in Appendix 3 of the report).

(Councillor Fox, having been nominated by Councillor Mrs. Stephens and seconded by Councillor Delbridge, was appointed Vice-Chair for the meeting).

(At the invitation of the Chair, the Committee heard from Councillor Viney, Ward Member, speaking against the application).

(At the invitation of the Chair, the Committee heard from the applicant).

(Councillor Mrs. Beer's proposal to adjourn the meeting, having been seconded by Councillor Wildy, was put to the vote and declared carried).

\*(The meeting was adjourned part way through this item until 6 August, 2009, at 4.00 p.m.).

22. **EXEMPT BUSINESS**

Resolved that under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act as amended by the Freedom of Information Act 2000.

23. **"SHERFORD NEW COMMUNITY", LAND SOUTH/SOUTHWEST OF A38 DEEP LANE AND EAST OF HAYE ROAD, ELBURTON, PLYMOUTH 06/02036/OUT**

Minute 21.1 refers.

**SCHEDULE OF VOTING**

\*\*\*PLEASE NOTE\*\*\*

A SCHEDULE OF VOTING RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

**PLANNING COMMITTEE**

**DATE OF MEETING – 28 JULY, 2009 (adjourned to 6 August, 2009)**

**SCHEDULE OF VOTING**

Minute No.	Voting For	Voting Against	Abstained	Excluded from voting due to Interests Declared	Absent
<p>21.1 Sherford New Community, Land South/Southwest of A38 Deep Lane and East of Haye Road, Elburton, Plymouth 06/02036/OUT</p>	<p><u>Proposal to Adjourn</u></p> <p>Councillors Mrs. Aspinall, Mrs. Beer, Delbridge, Mrs. Dolan, Michael Foster, Fox, Martin Leaves, Mrs. Stephens, Stevens, Wheeler and Wildy.</p> <p><u>Officers Recommendations</u></p> <p>Councillors Mrs. Aspinall, Delbridge, Mrs. Dolan, Fox Roberts, Mrs. Stephens, Stevens, Wheeler and Wildy.</p>	<p>Councillor Roberts</p>			<p>Councillors Mrs. Beer, Michael Foster and Martin Leaves.</p>



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**APPENDIX 2**

**MINUTES AND RECOMMENDATION OF SHDC DEVELOPMENT MANAGEMENT COMMITTEE DECEMBER 2011**

**Sherford Planning application 7\_49/2426/06/O**

Outline Application for provision of up to 5,500 new dwellings; up to 67,000 square meters of business and commercial space; up to 16,700 square meters 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. Sherford New Community land south and south west of A38 Deep Lane junction and east of Hay Road Elburton, Plymouth. Red Tree (2004) LLP

**Brixton Parish Council**

Parish Council's Views – Concern about changes from original proposal

**Yealmpton Parish Council**

Parish Council's Views – Concern that there have been significant changes since the vision for the new community was first drawn up. Current application based on false assumptions.

**Wembury Parish Council**

Parish Council's Views – Concern about changes from original proposal

**Officer Update** – Late representations reported.

**Recommendation** – Conditional approval subject to completion of Section 106 agreement.

**Recommended Conditions**

As outlined in officer report – 115 conditions to include other conditions as directed by Devon County Council and the Highways agency

**Committee Decision** – Approve as officer recommendation

**A. That members resolve to grant outline planning permission subject to the following:**

1. Completion of a joint authority S106 Agreement subject to resolving matters as set out in this report and appendices.
2. Plymouth City Council resolving to approve the corresponding application within its boundary.
3. The Highways Agency lifting its current Direction to enable the consent to be issued once the Agency is satisfied that there is no significant adverse impact on the A38 and the imposition of any planning conditions proposed by the Agency.
4. The planning conditions as outlined in Appendix 10, together with any proposed by the Highways Agency in response to the withdrawal of the Direction of refusal.

**B. That authority be delegated to the Head of Planning, Economy and Community to issue the permission in consultation with the Chairman and Vice Chairman of the Development Management Committee.**

Such delegated authority shall provide for any appropriate minor modification of the S106 obligation and planning conditions which maintains the principles outlined in this report. Officers also being satisfied that an appropriate agreement has been reached between the developer and Western Power regarding the undergrounding of the power lines.

## APPENDIX 3

### Updated analysis of compliance of the latest proposals with the North Plymstock Area Action Plan (NPAAP) relating to Sherford development within Plymouth boundary.

#### NP05 Sherford

Land to the north of Elburton will be developed to accommodate part of the Sherford mixed use settlement within the city boundary, to meet the daily needs of the community in a high quality environment, including:

- In the region of 320 homes of a variety of tenures and house types, of which at least 48 are to be social rented housing, at least 48 shared equity housing (consistent with the approach taken across Sherford as a whole) and 64 built to Lifetime homes standard. Overall affordable mix/ Lifetime Homes would be provided across the development. Taking into account viability issues, 20% has been negotiated as an average over the first half and would be provided as three stepped floors of 17% within the first 1,200 homes, 20% within the next 1,200 to 2,200 and 26.5% from 2,200 to 2,750. The current affordable housing proposal is an improvement on the baseline number of homes proposal considered and agreed in principle in 2009 and now equating to 64 affordable homes within the Plymouth City Council boundary (rather than the 24 baseline suggested in the 2009 Planning Committee report). The mix of tenures would be 50/ 50 shared equity/ affordable rent. 37.5% of the affordable rent units (12) would be provided at up to 50% of market rents, resulting in these units being more affordable to working families. In addition, a claw back mechanism is designed to link the provision of affordable housing to the performance of the housing market relative to build costs and achieve greater levels of affordable housing should the market improve. 20% of dwellings would be built to full Lifetime Homes standards. The need for wheelchair accessible housing would be reviewed by the Local Authority every 500 dwellings and the next tranche of housing delivery would be adjusted accordingly.
- A sports hub, including a sports centre and swimming pool (with compensation for King George V playing fields land). Sports centre, swimming pool and hub are being provided, and KGV is unaffected other than a requirement to prevent egress of balls onto new road link to north.
- A transport link to Haye Road, including a high quality public transport link and stop at Elburton North. Transport link being provided, however public transport stop is not required with the alignment of access road now shown north of KGV.
- The development should integrate with adjoining areas, provide the infrastructure necessary to serve the site and make an appropriate contribution towards the delivery of off site 'eastern corridor' transport infrastructure improvements. This has been addressed through the proposed S106 agreement.

In particular, the development should provide for the following:

#### **Sustainable Development**

1. The delivery at each phase of development of a high degree of self-sufficiency for the community (including early provision of infrastructure, services, facilities, retailing, employment and community support). This is being addressed in each phase, with trigger points for delivery of community and transport infrastructure.
2. A Sustainability Checklist prepared and agreed with the Council to guide the incorporation of sustainability into the design, construction and operation of Sherford. Completed. A sustainability checklist has been submitted within the Masterplan Book.
3. Proposals should demonstrate how progress will be made towards achieving zero carbon development as outlined in the emerging 'Code for Sustainable Homes' (level 6) and all non residential buildings should seek to achieve BREEAM excellent standards. BREEAM standards are referred to in documents. Pages 302 and 303 of Masterplan Book commit to achieving

EcoHomes Excellent and BREEAM Excellent ratings. . Building Regulations are projected to increase standards again in 2013 and 2016. Therefore the policy requirement has been met. Conditions will ensure delivery. The Masterplan Book also includes commitments 'towards a zero carbon community'.

4. The creation of the Sherford settlement's own identity that does not merge with existing adjoining settlements. Information on local distinctiveness has been provided. The development of Design Codes will ensure that Sherford retains its own identity and will not be confused with surrounding areas.

5. A positive relationship to Plymouth, Plymstock and Elburton. In particular, to have good sustainable transport links and a mutually supportive range of services and facilities. Addressed through planning conditions and S106 agreement. The proposed siting of the development ensures that the settlement stands alone as a singular place although various opportunities exist to ensure the settlement is well connected with surrounding settlements through a variety of sustainable transport modes.

The range of services and facilities provided at Sherford are considered appropriate for a development of this size, whilst planning conditions will ensure that these are appropriately sized for Sherford so not to undermine those within surrounding settlements.

6. A Design Strategy together with two tiers of Design Codes to provide a framework within which detailed design work can occur. These codes will be monitored and reviewed jointly by the developer in conjunction with the Council and other stakeholders at appropriate times to reflect performance, changing circumstances and lessons learned through the progression of development at Sherford. Masterplan and Town Code provided, and triggers for Detailed Code and process for review are set out and incorporated in S106.

7. Particular attention to ensure the greater prehistoric and Romano British archaeological activity is evaluated prior to any development activity. This has been dealt with through the Environmental Impact Assessment and the proposed planning conditions.

#### **Housing**

8. Homes that are provided at high densities (35-55 dwellings per hectare, with highest density adjacent to the local centre). Referenced in the Masterplan Book (page 87), with a target of 40-50 dwellings (average). ). This can be monitored through the Design Codes to ensure appropriate densities for each neighbourhood. Regulating Plans and reserved matter applications will provide opportunity to monitor density

#### **Employment**

9. Wherever possible and practicable the use of local suppliers, labour and resources and maximising the opportunities for local economic multipliers. Proposals included within Employment, Retail and Commercial Strategy, which forms part of the Masterplan and is found at Page 160. The S106 also secures a Skills Training Scheme and £250k of funding from the developer for that scheme. The use of local materials will be encouraged through the conditions/clauses.

10. A contribution towards an Employment, Retail and Commercial Strategy for the wider Sherford settlement and its implementation. This should accommodate a diverse range of employment opportunities throughout the new community consistent with mixed-use principles. The significant majority of commercial space will be in small units. Completed. An Employment, Retail and Commercial Strategy forms part of the Masterplan and is found at Page 160

#### **Community and Services**

11. A contribution towards a full range of services and facilities for community welfare and self sufficiency appropriate to a settlement of at least 12,000 population which is required to be provided by the developer for the community at Sherford. This will include a contribution towards the provision of the local centre's primary school with a pre-school and Educare facilities (joint education and social services provision for children), with associated sports facilities and playing fields. . A Community Infrastructure Schedule forms part of the strategy. Individual facilities will

be delivered through separate clauses and conditions. Trigger points for contributions in S106 agreement.

12. A contribution towards the provision of the secondary school at Sherford, which meets the needs arising from the development. **Appropriate contributions set out in S106 agreement.**

13. Facilities at the primary and secondary school (including the sports facilities) that should also be made available for use by the whole of the Sherford community. **This is covered in proposed S106 agreement. However the County Council states that they cannot commit to dual use at this stage and therefore in the event that dual use cannot be secured the S106 also allows for the provision of the equivalent playing pitches in the east of the site.**

14. A contribution towards the provision of a youth centre and activity area close to and within Sherford Quarry. **Contributions set out in S106 agreement.**

15. The identification of an appropriate body to manage the community assets for the benefit of the community, promote sustainable living and support social networks within Sherford and with its neighbours (this will be through the actions of the Community Trust or a similar body). **This is appropriately covered in proposed S106 agreement. The outline application suggests proposals for a community trust, and it has been agreed that this will be a company limited by guarantee and registered as a charity. It is proposed that the Community Trust will be funded by a pump prime amount from the developer and through a fee levied on Property Owners at Sherford which secures the long term funding. The members will be the property owners and those who live and / or work at Sherford. The Developer has agreed to involve the Community Trust in the design and management of Community Facilities forming together The Community Estate. As it is likely in the future that community facilities will be in the ownership and/or management of the Community Trust then the Local Authorities have required that any income generated from the Community Estate facilities must be reinvested in the Community Estate as a whole for the Community Benefit i.e. the enhancement of the wellbeing of those who live and / or work within the Development. This will also ensure that the Community Estate is managed most sustainably as a whole. This Community Trust remit at the outset is clear and meets the policy requirements but is also allowed to evolve over time as the community itself evolves.**

#### **Sport, Recreation and Open Space**

16. The preparation of a comprehensive Public Space, Sport and Recreation Strategy to be submitted with the outline application based on the National Playing Fields Association (NPFA) Standards, Sports England and the Council's guidance. **A Public Space, Sport and Recreation Strategy forms part of the Masterplan and is found at page 234. Sports provision is acceptable.**

17. Measures to compensate King George V playing fields for loss and adverse impact, including relocation of one pitch in the vicinity, new car parking to north of proposed transport link, new changing facilities shared with proposed sports hub, ball stop fencing and improvements to the existing play area adjacent to Haye Road. The new pitch to replace the one lost at KGV should be available for use at the time of the loss of the existing pitch, this may be achieved through a temporary facility, if required, in advance of the establishment of the various facilities at the sports hub. **Whilst the road link now avoids KGV, there are still elements, such as boundary improvements to prevent the egress of balls etc.**

18. The development of a sports hub, to meet the needs of Sherford and accommodate any relocated provision from King George V playing fields, including indoor and outdoor sports provision, associated changing facilities and parking provision. The Sports Hub will include as a minimum, football pitches, tennis courts, cricket pitch, swimming pool and a sports centre also comprising indoor activities such as basketball and badminton. **Sports provision is acceptable. This is covered in proposed S106 agreement The outline proposal includes all of the policy requirements for the centre, although precise details for this building will not be known until detailed stage. The developers agree to fund a four lane 25m heated swimming pool to form part of the sports centre complex (subject to PCC using reasonable endeavours to secure contributions from other development sites). The sports centre will remain in the ownership of the developer until a handover to another party is capable of being agreed. This is covered in proposed S106 agreement.**

There is also the potential for the provision of further facilities including a gym and associated social facilities.

19. An appropriate contribution from the development towards the proposed strategic sports and cultural centre at the Life Centre in Central Park, and proportional to the strategic and cultural needs of occupiers from the development. **Sports provision is acceptable. This is covered in proposed S106 agreement.**
20. Additional facilities over and above the required standard may be reduced if it can be agreed with the Council that the quality of provision meets local need. **Sports provision is acceptable.**
21. The quantity of sports provision could be reduced if it can be agreed with the Council that the quality of provision meets local need. **Sports provision is acceptable.**
22. The provision of informal and formal public space. **The main proposals for civic spaces and urban parks are identified on Page 241 of the Masterplan Book and Page 39 of the Town Code. The Town Code introduces the broad specification of public spaces. This is covered in proposed S106 agreement.**
23. A contribution to the community park on the southern and eastern edges of Sherford including links to the sports hub and leisure proposals. **Page 43 of the Town Code as well as Page 251 of the Masterplan Book provides the general description for the Community Park, along with the Landscape Masterplan at Pages 241, 243 and Page 43 (Town Code). Precise details for the Community Park specifying the spatial distribution of its composition are not provided in the outline application but will be controlled through Conditions This is covered in proposed S106 agreement in which the Owner is obligated to invest no less than £5m to deliver the Community Park.**
24. A proportionate contribution towards the local centre's Local Areas of Play (LAPS), Locally Equipped Areas of Play (LEAP), youth meeting space and open space. **This is covered in the proposed S106 agreement.**
25. A proportionate contribution towards the local centres Neighbourhood Equipped Areas of Play (NEAP). **This is covered in proposed S106 agreement.**
26. The creation of a network of greenways through the community based on existing ecological features to promote pedestrian and cycle movement. This should include the incorporation of a green corridor from the community park around the new community and a proportionate contribution towards the delivery of a landscaped green corridor to provide a green pedestrian and cycle link between Sherford to Stag Lodge and Saltram House. **Both the Landscape Strategy and Landscape Masterplan outlined within the Masterplan and Town Code outline how a number of greenways will be provided throughout the community. These are generally based on existing ecological features on site and form a majority of the bat corridors. Internal and external links are acceptably covered in the S106 agreement.**
27. A green buffer between the existing residential area at Elburton and the limit of development at the Sherford that provides a green recreational link with the Sherford Community Park and Sherford Valley. There is an opportunity to provide an allotment site to the north of Elburton as part of this. **In line with the Landscape & Open Space Strategy, management arrangements and commuted sums for maintenance need to be agreed. This is acceptably covered in the 106 agreement.**
28. Environmental improvements to new transport link to Haye Road, including any mitigation measures. Also the mitigation of potentially significant adverse impacts arising from the sports facilities upon the amenity of affected residential properties **This has only been partially dealt with in the application and will need to be more fully addressed in the Reserved Matters applications.**

### **Transport**

29. An integrated Movement and Transport Strategy to be prepared by the developer in conjunction with the Council, the Highway Authorities, the Highways Agency and other stakeholders which should be submitted as part of the outline application for the Sherford settlement. **Completed. . A Movement and Transport Strategy are contained within the Masterplan at Page 180. This sets the principle of reducing travel by car at its heart, and suggests that this can be achieved through layout, mixed use and urban design. The strategy also highlights proposals for ensuring that public transport, walking and cycling are given high priority levels and integrated throughout the development. The obligations secured through the S106 include contributions towards public transport (operation and road improvements to provide bus priority), a car club, a fund in support of the achievement of non car travel (mode shift),**



cycleways and footpaths, real time information, Smart Cards and the provision of a Travel plan coordinator to promote the achievement of the objectives of the Framework Travel Plan, the creation of a Transport Advisory Group (on which the Highways Authorities sit) and the delivery of a Park and Ride. The strategy needs to be considered alongside the Transport Assessment, which assumes that Sherford can 'consume its own smoke' provided that there is a reduction in private car travel and increased use of sustainable travel modes. Means of encouraging sustainable travel incentives are secured through the recommended obligations and conditions

30. The safeguarding of public rights of way within the development there are no public rights of way within the Plymouth administrative area affected by the Sherford development. No assessment of the existence of unrecorded public rights has been carried out by the developer. This is a risk for the developer and not a planning issue for the Council.

31. The development should facilitate the progression of part of a strategic cycle link between National Cycle Network 2 and 27 along the edge of Sherford and provide for a pedestrian cycle link along the north of Elburton to Hayes Road. These routes should link in with other cycle and pedestrian routes at Sherford and the Council's strategic cycle network. Secure cycle parking should be provided at locations within the development that encourage the use of bicycles.

Addressed through S106.

32. The adoption of maximum car parking standards as denoted within the Council's Parking Strategy, in the context of the wider Sherford Movement and Transport Strategy. The application of these standards will demote the importance and convenience of car use to below that for walking and cycling. Addressed through condition

33. A significant shift to more sustainable forms of movement through design and active measures including design speeds for vehicles of a maximum 20mph throughout the community and the establishment of a community car club. Yes a contribution to a car club in S106, dealt with through the detailed design of the main street Page 14 of the Town Code refers to street types and appropriate speeds The Strategy from Page 180, as well as the TA, relies on incentives to encourage a shift to more sustainable forms of movement. Funding is secured in the S106 to kick start the Car Club.

34. Proportionate contributions to wider transport works in line with Proposal NP07, NP09 and Policy NP08. Addressed through S106, including phased implementation of HQPT.

35. The delivery of a high quality public transport route, cycle route and new road linking the settlement at Sherford with the A379 (at Stanborough Cross junction) in the first phase of development and associated junctions and highways improvements, including any necessary measures to mitigate potentially unacceptable impacts on the amenity of affected residential occupier properties. The phasing of HQPT and interim bus service is addressed through S106 The application for the Main Street, access road and junctions includes dedicated lanes for HQPT buses that will facilitate a direct route to the city centre. Detailed amenity mitigation is secured through the Conditions and more details will be provided at the Reserved Matter stage.

36. A Public Transport Interchange on the high quality public transport route in north Elburton. This interchange should be developed to be accessible for people of all abilities and should be in line with the 'Mobi hub' concept. This is not included in the application and is not required with the alignment of access road now shown north of KGV. and would be served from the proposed HQPT stop adjacent to the Secondary School. Other bus stops can be shown in reserved matter applications required by condition.

37. New pedestrian and cycle links. This should include part of a strategic cycle link between National Cycle Network 2 and 27 along the edge of Sherford and a pedestrian cycle-link along the north of Elburton to Hays Road. S106 requirement.

#### **Infrastructure and Utilities**

38. An Infrastructure and Utilities Strategy submitted by the developer as part of the outline application for the Sherford settlement. Completed.

39. Sustainable Urban Drainage Systems (SUDS) and any appropriate flood prevention measures. . The submitted FRA deals with drainage and measures to ensure water quality protection. The EA accept that the proposal is acceptable at this stage of the development and will require precise mitigation measures to be submitted prior to development of each Reserved



Matter site. The principle treatment of surface water is through a range of SUDs measures expected to handle 1:100 year event. Conditions ensure compliance with the policy.

40. Foul effluent drainage and treatment facilities either on site or piped to facilities in the Plym catchment area. The Infrastructure and Utilities Strategy explains that SWW are the statutory drainage authority and have a statutory responsibility for the treatment and disposal of foul water from Sherford. The application suggests that the scale of the development is such that off-site treatment is the most appropriate solution and discharge is likely to be into the Plym due to the lower levels of environmental sensitivity and higher flow rates.

Drainage will be via a network of gravity sewers and pumped to the new sewage treatment works. The location and type of the new, or enhanced, treatment facility is not yet determined, although SWW have indicated that they propose to pump foul water to the Marsh Mills sewage treatment works for discharge into the Plym Estuary. It is understood that the applicant and SWW are working together to achieve an acceptable and deliverable solution. A suitable 'Grampian' condition will ensure that development is restricted until sufficient infrastructure is provided.

41. A waste disposal provision to deal with all the waste created by the development and enables waste reduction to exceed local authority's targets through the physical provision of waste management facilities at individual dwelling, block, neighbourhood and whole community levels.

Waste Management is not considered within the Infrastructure and Utilities Strategy but at the Resource Efficiency within the Built Form Chapter at Page 302 of the Masterplan.

Details of integrating facilities into the built form will be identified through Detailed Design Code and Reserved Matter applications. Welcome Packs will provide information on recycling and waste minimisation to all new residents, and helps to encourage lifestyle changes. The preparation of these packs is controlled through obligation. The policy also suggests that the Community Trust shall support waste reduction through facilitating community involvement. However, waste collection shall remain responsibility of the waste management authority.

42. The provision of potable water supplies throughout the community in conjunction with water saving strategies and fittings (to Environment Agencies guidelines). Rainwater harvesting and grey-water recycling should be investigated and implemented wherever practical.

SWW as statutory body have been contacted to confirm their position and have stated that their Water Resources Plan has taken into account all new planned development including Sherford. They are therefore satisfied that water supply to Sherford is not an issue. A commitment for 80% of roofs within a block to be utilised for rainwater harvesting is proposed (Page 302 of Masterplan Book The provision of water butts is now considered to be adequate to satisfy the requirement for rainwater harvesting

43. High bandwidth telecommunications infrastructure into every building to facilitate commerce, interactive services and advanced information provision, into the foreseeable future.

Commitments made. Dealt with through S106 clause

44. A contribution towards the preparation of an integrated Energy Strategy identifying how development at Sherford will minimise energy demand and maximise energy usage from renewable sources. The priority should be:

- a. To reduce demand for electricity and space heating via the high building fabric standards and the design codes
- b. To contribute towards community wind turbines in the community park
- c. To provide building embedded renewable energy technologies as appropriate throughout the development
- d. To deliver a minimum of 50 per cent of the new community's overall energy requirement from on site renewable energy sources by the completion of the development.
- e. To provide an electricity supply system throughout the new community. Private wire and community ownership of an energy supply company should be investigated and implemented where feasible.
- f. To supply gas only where this is proven necessary as part of an integrated strategy for energy reduction and energy supply by the most sustainable means. An outline Energy Strategy has been submitted with the planning application at Page 206 of the Masterplan. The Energy Strategy

outlines how it will tackle the issues required within the policy, The implementation of the Energy Strategy, with proposed targets to allow discretion in how it could be implemented will be agreed on a phase by phase basis and reviewed as part of the Sustainability Review at the end of each phase. Dealt with through conditions and S106 clauses

#### **Natural Environment**

45. A contribution towards a comprehensive Landscape, Biodiversity and Cultural Heritage Strategy to be prepared by the developer to be submitted as part of the outline application for the Sherford settlement. . A Landscape, Biodiversity and Cultural Heritage Strategy has been incorporated within a Strategy that deals also with Public Open Space, Sport and Recreation. This is incorporated within the Masterplan at Page 234. Covered through pre-commencement conditions, including requirement for Natural Environment Vision Statement

#### **Environmental Protection**

46. A 125m Minerals Buffer Zone to protect against operational disturbance from Hazeldene Quarry. It will also provide opportunities for formal and informal recreation. This has been met and could be conditioned.

47. An appropriate contribution towards managing off site recreational impacts within the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Special Protection Area (SPA). Covered acceptably in proposed S106 agreement.

#### **Phasing**

48. A phasing programme as part of the outline planning application for the Sherford settlement. This must contain the timing and distribution of delivery of each part of the development and the facilities, services and infrastructure. In particular it must identify the means and timing of the following:

- a. The delivery of part of Sherford's western neighbourhood as the second stage of development of the overall Sherford development.
- b. The early provision of key elements of community infrastructure including: The main street linking to the A379 at Stanborough Cross and the A38 at Deep Lane
- c. A high quality public transport system phased from the commencement of development
- d. The managed provision of strategic landscape.

Phasing set out in terms of key fixes. The phasing has changes such that the western neighbourhood is now the first stage of the development. The phasing of the facilities, services and infrastructure are secured acceptably through the S106 and the Conditions.

#### **NP07 HQPT system.**

S106 contributions from major developments. Covered in the proposed S106 agreement. The applicants would be contributing to phased implementation of HQPT services. Interim arrangements are proposed which would link the site initially with Elburton and the City Centre, with a service linking the Park & Ride to the City Centre provided from 1300 dwellings.

#### **NP08 Improvements to Public Transport in Plymstock.**

S106 contributions.. The applicants would contribute towards phased implementation of HQPT services including infrastructure improvements, which would benefit existing local services. Also contributions would be made to bus services from Plymstock to areas such as Derriford. Suitable obligations are contained within proposed S106 agreement.

#### **NP09 Highway Infrastructure and traffic management.**

S106 contributions. The applicants would contribute towards the delivery of the Eastern Corridor scheme which is required to support new development in the corridor as proposed in the NPAAP. Phasing of the contributions is based on the development impact of the relevant phases. Contributions and physical measures to mitigate impact on local roads would also be secured and such is set out in the proposed S106 agreement. A contribution towards traffic management

measures in Bullers Hill to mitigate traffic impact on Plympton St Maurice, as set out in the Heads of Terms HW3, is also included within the S106 Agreement.

**Section 11 Delivery**

NP11- Private sector development contributions, including NP01, NP03, NP05, NP06, NP12, through S106 planning obligation funding from appropriate developments. Covered in proposed S106 agreement.

## Appendix 4

### SHERFORD - SECTION 106 SUMMARY

<b>ROADS</b>	
Major Scheme Bid Contribution	
Cycle & Pedestrian Connections	
Brixton Road / Red Lion Hill	
Bullers Hill - Traffic Management Scheme	
Car Club Contribution	
Additional On-site Bus Measures	
Local Bus Contribution	
<b>SUB TOTAL</b>	<b>£13,532,024</b>
<b>BUS SERVICE ENHANCEMENT</b>	
Public Transport Contribution incl. High Quality Public Transport & Local Services	
Passenger waiting facilities - On-site bus stops*	
Framework Travel Plan (modal shift initiatives, etc.)	
<b>SUB TOTAL</b>	<b>£4,941,363</b>
<b>Children &amp; Young Peoples Services</b>	
Primary Schools - 3 No.	
Primary Schools - 3 No. - BREEAM Excellent	
Primary Schools ICT Provision	
Nursery - 3 No.	
Secondary Schools - 1 No.	
Secondary Schools - 1 No. - BREEAM Excellent	
Secondary Schools - Culture Contribution	
Secondary School ICT Provision	
Forest School	
Temporary School*	
Transport and temporary accommodation for Secondary School pupils	
Youth Worker Contribution	
Youth Bus Contribution	
Childrens Centre	
Childrens Centre - BREEAM Excellent	
<b>SUB TOTAL</b>	<b>£39,004,139</b>
<b>COMMUNITY FACILITIES</b>	
Community Trust Offices (Town Hall)*	
Community Trust Staffing & overhead	
Community Access and Information Website*	
Youth Centre	
Adult Social Care Base*	
Library - Build Costs	
Library - Fit-out and stock	
Mobile Library - Contribution	
<b>SUB TOTAL</b>	<b>£7,414,070</b>
<b>PLAYING FIELD AND PLAY SPACE</b>	
Earthworks to sports pitches*	
Strategic Landscape Contribution	
Sport Pitches*	
Indoor Sports Centre inc swimming pool*	

Life Centre Contribution	
Sports Pavilions*	
Informal Recreation Areas (LEAPs, NEAPs and Skate Park)*	
Adventure Play Ground*	
<b>SUB TOTAL</b>	<b>£15,097,829</b>
<b>LANDSCAPING AND WOODLAND PLANTINGS</b>	
Community Park	
Countryside Park Contribution	
Open Spaces / Allotments / Urban Parks / Ecological Mitigation*	
Quarry and Woodlands*	
Landscaping - Main Street, Northern & Southern Avenue & Brixton Road South*	
Boundary Hedges / Strategic plantings*	
Fencing*	
<b>SUB TOTAL</b>	<b>£11,350,330</b>
<b>COMMUTED SUM / MAINTENANCE COSTS</b>	
Open Space*	
Contribution to SAC and SPA Management	
<b>SUB TOTAL</b>	<b>£12,410,000</b>
<b>MISCELLANEOUS</b>	
Hi bandwidth fibre optic connections*	
Contribution for Art	
Town Code SRP Funding	
Lifetime Homes*	
Economy and Training Contribution	
Professional Services Support	
<b>SUB TOTAL</b>	<b>£2,349,968</b>
<b>OTHER COMMUNITY FACILITIES</b>	
Community Reuse and Repair Centre	
Wind Turbine*	
Recycling Centre offsite contribution	
<b>SUB TOTAL</b>	<b>£3,250,000</b>
<b>TOTAL</b>	<b>£109,349,723</b>

\* These amounts are cost allocations in the Sherford cost schedule for items required to be delivered through the Section 106 but no specific amount is defined in the Section 106.

APPENDIX 5

SHERFORD PROPOSED OBLIGATIONS: REGULATION 122 ASSESSMENT

The assessment is being made against the principles of the obligations. The precise wording of the obligations has not been prepared and agreed and will be based upon the principles set out in the Appendix

The precise wording of the obligations will need to be carefully drafted by planning lawyers to ensure that the obligations reflect the principles and are properly secured

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
ED1 Prior to the commencement of residential development of each relevant Neighbourhood, to identify land for the provision of three Primary Schools to be located centrally within each Neighbourhood and accessible to Main Street and Green Corridors as per the Key Fixes Diagram and associated text.	Yes  <b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC4, SNC11, 12 & 14  North Plymstock Area Action Plan policies NP05.1, 11 & 13  Planning Obligations and Affordable Housing SPD  Plymouth Core Strategy policies 33 & 34	Yes  <b>List other planning merits.</b> <ul style="list-style-type: none"> <li>o Sherford Enquiry by Design (walkable neighbourhoods)</li> <li>o Population Census (empirical evidence to assess pupil generation)</li> <li>o Plymouth Infrastructure Needs Assessment</li> </ul>	Yes  <b>Explanation.</b> The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.	Yes  <b>Explanation.</b> The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.
ED2 To provide fully serviced land	Yes		Yes	Yes

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
<p>sufficient for three Primary Schools to the County Council. Each Primary School site to be up to 1.9 ha and capable of accommodating a 420-place Primary School and a 30-place nursery. Each Primary School will consist of buildings currently calculated as being in total approximately 2.570sq.m.</p> <p>ED3 To pay to the County Council the sum of £5,164,614 per Primary school as defined by the DCSF Schools Calculator in order to cover the full costs of building and fitting out, including the associated playing field provision, plus an amount to achieve compliance with the Town Code and BREEM Excellent standards. A further sum will be paid to the County Council in order to provide appropriate ICT equipment and facilities at each of the Primary Schools</p>	<p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC4                      North Plymouth Area Action Plan policies NP05.1, 11 &amp; 13                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Sherford EbD (walkable neighbourhoods)</li> <li>o Population Census (empirical evidence to assess pupil generation)</li> <li>o Plymouth Infrastructure Needs Assessment</li> </ul>	<p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.</p> <p>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.</p>	<p><b>Explanation.</b>                      The obligation is considered both fair and reasonable given that it is based on estimated costs of what is required to secure these facilities using the DCSF Schools Calculator.                      The obligation is considered both fair and reasonable given that it is based on estimated costs of what is required to secure these facilities using the DCSF Schools Calculator.</p>
<p>ED4 To provide a fully fitted out 30 place Nursery at each Primary School or where not provided by the developer to pay £300,000 for each nursery. Such contributions to be made in line with the agreed phasing of each facility.</p>	<p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC4                      North Plymouth Area Action Plan policies NP05.1, 11 &amp; 13                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Sherford EbD (walkable neighbourhoods)</li> <li>o Population Census (empirical evidence to assess pupil generation)</li> </ul>	<p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.</p> <p>The obligation is directly related to the development in that it is required to ensure that the educational needs</p>	<p><b>Explanation.</b>                      The obligation is considered both fair and reasonable given that it is based on estimated costs of what is required to secure these facilities using the DCSF Schools Calculator.</p> <p>The obligation is considered both fair and reasonable.</p>
<p>ED5 Construction / Contributions to allow the opening of the Primary Schools as follows:</p>	<p>Sherford Area Action Plan policies SNC4 &amp; SNC16                      North Plymouth Area Action Plan</p>	<p>Plymouth Infrastructure Needs Assessment</p>		



Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context? In terms of other planning merits of the case?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
<p>(a) Temporary School Facilities – in the form of four classrooms by the 120th occupation within each Neighbourhood.</p> <p>(b) A Permanent 210 Place Primary School to be completed in each of the three Neighbourhoods by the Completion by the 840th occupation and enlarged to</p> <p>(c) A Permanent 420-Place Primary School to be completed by the 1680th occupation within the relevant Neighbourhood</p> <p>Payments for the construction phase of each permanent school will be phased as follows</p> <ul style="list-style-type: none"> <li>• 5% prior to commencement of design to cover design fees</li> <li>• 5% upon signing a contract for the delivery of the school</li> <li>• The balance upon certified completion of each stage of works</li> </ul> <p>ED6 Prior to the time when permanent use is required each school building may be, subject to agreement with Devon County Council, used for temporary facilities (e.g. Community Trust, Dentist, GP and Police) under management arrangements to be agreed.</p> <p>ED7 Each Primary School will be encouraged to accommodate other community uses outside of school hours on a permanent basis for learning, sport and social purposes (e.g. crèche, civic meetings, sports clubs / netball). Facilities provided within the Primary</p>	<p>policies NP05.1, 11 &amp; 13 Planning Obligations and Affordable Housing SPD Plymouth Core Strategy CS 33 &amp; 34</p>	<p>arising from the development are met at the appropriate time.</p>	<p>Yes</p> <p><b>Explanation.</b> The obligation is considered both fair and reasonable to ensure the most efficient use of facilities as the development is built out.</p>	
<p>ED6 Prior to the time when permanent use is required each school building may be, subject to agreement with Devon County Council, used for temporary facilities (e.g. Community Trust, Dentist, GP and Police) under management arrangements to be agreed.</p> <p>ED7 Each Primary School will be encouraged to accommodate other community uses outside of school hours on a permanent basis for learning, sport and social purposes (e.g. crèche, civic meetings, sports clubs / netball). Facilities provided within the Primary</p>	<p>Yes</p> <p><b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC4 &amp; SNC16 North Plymouth Area Action Plan policies NP05.1, 11 &amp; 13 Planning Obligations and Affordable Housing SPD Plymouth Core Strategy CS 33 &amp; 34</p>	<p>Yes</p> <p><b>List other planning merits.</b> o Sherford EbD (walkable neighbourhoods)</p>	<p>Yes</p> <p><b>Explanation.</b> The obligation is directly related to the development in that it is required to meet the needs arising from the development.</p> <p>The obligation is considered both fair and reasonable to ensure the most efficient use of facilities as the development is built out.</p>	

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
School shall be provided to a specification that is capable of enhanced community use.	Plymouth Core Strategy CS 33 & 34	Yes	Yes	Yes
ED8 Minimum initial permanent provision shall be 4 classrooms and nursery accommodation with any additional accommodation to be provided in accordance with an agreed phasing plan.	<p><b>List main policies relied upon.</b></p> <ul style="list-style-type: none"> <li>Sherford Area Action Plan policies SNC4 &amp; SNC16</li> <li>North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13</li> <li>Planning Obligations and Affordable Housing SPD</li> <li>Plymouth Core Strategy CS 33 &amp; 34</li> <li>Sherford Area Action Plan policies SNC4</li> <li>North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13</li> <li>Planning Obligations and Affordable Housing SPD</li> <li>Plymouth Core Strategy CS 33 &amp; 34</li> </ul>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>Sherford EbD (walkable neighbourhoods)</li> <li>Population Census (empirical evidence to assess pupil generation)</li> <li>Sherford EbD (walkable neighbourhoods)</li> <li>Population Census (empirical evidence to assess pupil generation)</li> </ul>	<p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to ensure that the educational needs arising from the development are met at the appropriate time.</p>	<p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable.</p>
ED9 If an all-through school is promoted on the Secondary School site and does not require further land for its extended use, the first Primary School site shall be made available for alternative educational uses. If additional land is required to provide an all-through school on the Secondary School site then the area made available for alternative education uses on the first Primary School site will be reduced commensurately.	<p><b>List main policies relied upon.</b></p> <ul style="list-style-type: none"> <li>Sherford Area Action Plan policies SNC4 &amp; SNC7</li> </ul>	Yes	Yes	Yes
ED10 The County Council shall use reasonable endeavours and act within the Admissions Code of Practice to ensure that there are spaces within the Primary Schools for pupils from the agreed designated area of Sherford in keeping with the sustainability ethos for the town.	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>Sherford EbD (walkable neighbourhoods)</li> <li>Population Census (empirical evidence to assess pupil generation)</li> </ul>	<p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.</p>	<p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable, being based on the National Admissions Code of Practice.</p>	
ED11 The County Council shall use				

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
<p>Reasonable Endeavours to secure the playing fields of all three Primary Schools for shared use ("Dual Use"). Should Dual Use not be provided, additional non school playing pitches shall be provided commensurately. If additional pitches are not required, funds set aside for their provision shall be used to upgrade schools pitches for Dual Use in accordance with para ED7. Any unexpended balance shall be used to expand the Youth Centre in accordance with para ED22.</p>	<p>Sherford Area Action Plan policies SNC4 &amp; 9 North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13 Planning Obligations and Affordable Housing SPD Plymouth Core Strategy CS 33 &amp; 34</p>	<p>Yes</p> <ul style="list-style-type: none"> <li>o Sherford EbD (walkable neighbourhoods)</li> <li>o Population Census (empirical evidence to assess pupil generation)</li> </ul>	<p>The obligation is directly related to the development in that it is required to meet the community needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable, being based on the National Playing Field Association, Sport England and Building Bulletin standards.</p>
<p>ED12a Prior to the commencement of residential development, to identify land for the provision of a Secondary School.</p> <p>ED12b To provide fully serviced land for the Secondary School. This should be a minimum of 6.05ha. The site for the Secondary School will be capable of providing for at least a 754 place school. The Secondary School will require buildings in total currently calculated at not less than 6,930 sq.m2.</p>	<p>Yes</p> <p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC4 &amp; 12 North Plymstock Area Action Plan policies NP05.1, 11 &amp; 12 Planning Obligations and Affordable Housing SPD Plymouth Core Strategy CS 33 &amp; 34</p>	<p><u>List other planning merits.</u></p> <ul style="list-style-type: none"> <li>o Sherford EbD (walkable neighbourhoods)</li> <li>o Population Census (empirical evidence to assess pupil generation)</li> <li>o Plymouth Infrastructure Needs Assessment</li> <li>o Sherford EbD (walkable neighbourhoods)</li> <li>o Population Census (empirical evidence to assess pupil generation)</li> <li>o Plymouth Infrastructure Needs Assessment</li> </ul>	<p>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.</p> <p>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.</p>
<p>ED13 To provide a 754 place Secondary</p>	<p>Yes</p>		<p>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
<p>School or to pay to the County Council £15,102,893 as defined by the DCSF Schools Calculator for the full costs of building and fitting out, including the associated playing field provision plus appropriate additional amounts to deliver compliance with the Town Code and BREEM Excellent standards. Such contributions shall be made in line with the phasing of provision of the facility</p> <p>ED14 The timing for the provision of the land and contribution will be as follows:                      (a) The timing of the construction of the school (or contributions thereto) shall be as approved by the County Council.                      (b) The first phase of the school shall provide accommodation for 200 pupils prior to the 1,300th occupation with the remaining four phases to be agreed with the County Council.                      Payments for the construction of each phase of the school shall be phased as follows</p> <ul style="list-style-type: none"> <li>• 5% prior to commencement for design fees</li> <li>• 5% upon signing a contract for the delivery of the school</li> <li>• The Balance upon certified completion of each stage of works</li> </ul> <p>ED15 The Secondary School buildings may be used temporarily for a Primary</p>	<p><b>List main policies relied upon.</b></p> <ul style="list-style-type: none"> <li>○ Sherford Area Action Plan policies SNC4 &amp; 2</li> <li>○ North Plymouth Area Action Plan policies NP05.1, 11 &amp; 12</li> <li>○ Planning Obligations and Affordable Housing SPD</li> <li>○ Plymouth Core Strategy CS 33 &amp; 34</li> </ul> <p>Sherford Area Action Plan policies SNC4 &amp; 16</p> <p>North Plymouth Area Action Plan policies NP05.1, 11 &amp; 12</p> <p>Planning Obligations and Affordable Housing SPD</p> <p>Plymouth Core Strategy CS 33 &amp; 34</p>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>○ Sherford EbD (walkable neighbourhoods)</li> <li>○ Population Census (empirical evidence to assess pupil generation)</li> <li>○ Plymouth Infrastructure Needs Assessment</li> </ul>	<p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.</p>	<p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.</p>
			<p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.</p>	<p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.</p>
	Yes		Yes	Yes

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	List other planning merits.		
	List main policies relied upon.	List other planning merits.		
<p>School and any other community role agreed by the parties.</p> <p>ED 16 The Secondary School shall be encouraged to accommodate other community uses on a permanent basis for learning, sport, cultural and social purposes. Facilities within the Secondary School shall be provided to a specification that is capable of enhanced community use (community theatre/cinema) and a sum of £750,000 has been set aside by the Owners for this purpose.</p>	<p>Sherford Area Action Plan policies SNC4 &amp; 16</p> <p>North Plymouth Area Action Plan policies NP05.1, 13 &amp; 12</p> <p>Planning Obligations and Affordable Housing SPD</p> <p>Plymouth Core Strategy CS 33 &amp; 34</p>	<p>Sherford EbD (walkable neighbourhoods)</p> <p>Population Census (empirical evidence to assess pupil generation)</p>	<p>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.</p> <p>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.</p>	<p>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.</p> <p>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.</p>
<p>ED 17 The County Council shall use reasonable endeavours to secure the Dual Use of the Secondary School playing fields and indoor sports facilities as part of the Sports Hub.</p>	<p>Sherford Area Action Plan policies SNC4</p> <p>Sherford Area Action Plan policies SNC4 &amp; 7</p>	<p>Sherford EbD (walkable neighbourhoods)</p> <p>Population Census (empirical evidence to assess pupil generation)</p> <p>Plymouth Infrastructure Needs Assessment</p> <p>Sherford EbD (walkable neighbourhoods)</p> <p>Population Census (empirical evidence to assess pupil generation)</p>	<p>The obligation is directly related to the development in that it is required to meet the community needs arising from the development.</p> <p>The obligation is considered both fair and reasonable in terms of determining the most efficient use of facilities to avoid duplication.</p> <p>The obligation is considered both fair and reasonable in terms of meeting the educational needs of the development, in line with the National Admissions Code of Practice.</p>	<p>The obligation is considered both fair and reasonable in terms of determining the most efficient use of facilities to avoid duplication.</p> <p>The obligation is considered both fair and reasonable in terms of meeting the educational needs of the development, in line with the National Admissions Code of Practice.</p>
<p>ED 18 The County Council shall use reasonable endeavours and act within the Admissions Code of Practice to ensure that there are places for pupils from the agreed designated area of Sherford in keeping with the sustainability ethos for the town</p>				

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of other planning merits of the case?			
<p>ED19 To pay to the County Council a sum of £353,490 in tranches starting from the 50<sup>th</sup> dwelling completion, to pay for school bus provision to Lybridge College (or similar- Secondary School facility).</p>	<p>Yes .</p> <p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC16</p>	<p><u>List other planning merits.</u></p> <p>o</p>	<p>Yes .</p> <p><u>Explanation.</u> The obligation is directly related to the development in that it is required to meet the educational needs arising from the development in line with the phasing of development.</p>	<p>Yes .</p> <p><u>Explanation.</u> The obligation is considered both fair and reasonable in terms of determining the school travel needs over the phasing of development.</p>
<p>ED20 By the commencement of the 2,000th dwelling to make available for use at least 0.4 ha of land within the Sherford Quarry for a Forest School. The land shall have path access and be provided with a potable water supply.</p>	<p>Sherford Area Action Plan SNC4, 9 &amp; 12 North Plymouth Area Action Plan policies NP05.1 &amp; 11 Planning Obligations and Affordable Housing SPD</p>	<p>Means of assimilating Sherford Quarry into a functional (yet ecologically sensitive) manner into the overall development.</p>	<p>The obligation is directly related to the development in that it is required to meet extra-circular educational needs arising from the development in line with the phasing of development.</p>	<p>The obligation is considered both fair and reasonable in terms of the needs of young persons living at the development using the DCSF Schools Calculator assumptions</p>
<p>ED22 A 0.2ha fully serviced site shall be made available to accommodate the permanent youth centre prior to the commencement of the 1,801st dwelling together with a 450m2 building provided to a specification which shall be agreed with Devon County Council prior to commencement of residential development. If dual use is achieved on the school playing pitches the centre shall be capable of expansion up to 700m2 which shall be funded by the developer. In the event that the building is not to be delivered by the developer, the developer shall provide a 0.2ha fully serviced site plus a contribution of £765,000 to Devon County Council for the construction of such a building to deliver BREEAM Excellent standards</p>	<p>Yes .</p> <p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC2, 4 &amp; 7 North Plymouth Area Action Plan policies NP05.1, 11 &amp; 14 Planning Obligations and Affordable Housing SPD Plymouth Core Strategy CS 33 &amp; 34</p>	<p><u>List other planning merits.</u></p> <p>o Young Peoples Planning Day</p>	<p>Yes .</p> <p><u>Explanation.</u> The obligation is directly related to the development in that it is required to meet the community needs arising from the development.</p>	<p>Yes .</p> <p><u>Explanation.</u> The obligation is considered both fair and reasonable in terms of determining what community facilities are required over the phasing of development, based on standards of provision in Devon.</p>



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<p>and compliance with the Town Code</p> <p>ED23 Prior to the occupation of the 700th dwelling a temporary Youth Centre shall be made available by the developer in the Western Neighbourhood until the permanent youth centre is established unless the developer makes a revenue contribution towards the funding of an expansion of the Ivybridge Youth Bus service, up to £5,000 to serve the needs of Sherford.</p>	<p>Sherford Area Action Plan policies SNC2, 4 &amp; 7</p> <p>North Plymouth Area Action Plan policies NP05.1, 11 &amp; 14</p> <p>Planning Obligations and Affordable Housing SPD</p> <p>Plymouth Core Strategy CS 33 &amp; 34</p>		<p>The obligation is directly related to the development in that it is required to meet the community needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of determining what community facilities are required over the phasing of development, based on standards of provision in Devon.</p>
<p>ED24 To pay to the County Council until delivery of a permanent youth centre building the youth worker annual contribution of £13,200 (subject to a maximum total contribution of £79,200) towards the costs incurred in engaging with young people at Sherford.</p> <p>ED25 Provision for any transfer of the Youth Centre shall be subject to the agreement of appropriate committed sums and/or the provision of Management Company and/or Community Trust as agreed between the parties.</p>	<p><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC4</p> <p>North Plymouth Area Action Plan policies NP05.1, 11 &amp; 14</p> <p>Planning Obligations and Affordable Housing SPD</p> <p>Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC1</p> <p>North Plymouth Area Action Plan policies NP05. 14 &amp; 15</p> <p>Planning Obligations and Affordable Housing SPD</p> <p>Plymouth Core Strategy CS 33 &amp; 34</p>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>Young People's Planning Day</li> </ul>	<p>The obligation is directly related to the development in that it is required to meet the community needs arising from the development.</p> <p>The obligation is directly related to the development in that it is required to meet the community needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of determining what community facilities are required over the phasing of development, based on standards of provision in Devon.</p> <p>The obligation is considered both fair and reasonable in terms of determining the most appropriate management of community facilities, based on standards of provision in Devon.</p>



Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of other planning merits of the case?			
<p>HCI All Parties shall use Reasonable Endeavours to ensure that GPs Surgeries are provided on the site for the development. This will be as a preference a multiple GP surgery in a single site or individual GP surgeries in each Neighbourhood. An Adult Social Care Base shall be incorporated into the GP Surgery.</p>	<p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC4                      North Plymouth Area Action Plan policies NP05.1, 11                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Sherford Health Design Workshop</li> <li>o Plymouth Infrastructure Needs Assessment</li> </ul>	<p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to meet the health needs arising from the development.</p>	<p><b>Explanation.</b>                      The obligation is considered both fair and reasonable in terms of determining the most appropriate health facilities, based on PCT standards of provision.</p>
<p>HC2a The Owners shall make available an area of fully serviced land in the Town Centre sufficient to accommodate a single site GP surgery of a size capable of providing GP services to the whole of Sherford. Alternatively, the Owners shall make available areas of fully serviced land in the Western, Town Centre, Southern and Eastern Neighbourhood sufficient to accommodate a GP surgery of a size capable of providing GP services to that Neighbourhood. Prior to the commencement of the 1,200th dwelling, the Owners shall issue a notice to the District Council and County Council informing them of whether a single GP site surgery or four neighbourhood GP surgeries will be provided.</p>	<p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC4 &amp; 11                      North Plymouth Area Action Plan policies NP05.1, 11                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p>	<p>Sherford EbD                      Plymouth Infrastructure Needs Assessment</p>	<p>The obligation is directly related to the development in that it is required to meet the health needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of determining the most appropriate health facilities, based on PCT standards of provision.</p>
<p>HC2b All Parties shall use reasonable endeavours to ensure that the Single Site GP surgery is constructed and operational by the commencement of the 1500th dwelling. Should the Neighbourhood GP Surgeries be delivered, these will be delivered by the occupation of Western Neighbourhood 1,375th Dwelling Town Centre Neighbourhood 2,750th Dwelling</p>	<p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC4 &amp; 16                      North Plymouth Area Action Plan policies NP05.1, 11                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Plymouth Infrastructure Needs Assessment</li> </ul>	<p><b>Yes .</b>  <b>Explanation.</b>                      The obligation is directly related to the development in that it is required to meet the health needs arising from the development, in line with the phasing of development.</p>	<p><b>Yes .</b>  <b>Explanation.</b>                      The obligation is considered both fair and reasonable in terms of determining the most appropriate health facilities, based on PCT standards of provision, in line with the phasing of development.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
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<p>Southern Neighbourhood 4, 125th Dwelling Eastern Neighbourhood 5,500th Dwelling Both the Single Site and Neighbourhood GP Surgeries will be delivered via a commercial arrangement between the Developer and a Service Provider selected by the PCT.</p> <p>HC3 A brief of the specification of the facilities to be provided pursuant to para HC2 shall be agreed with the PCT and Relevant Council.</p>	<p>Sherford Area Action Plan policies SNC4</p>	<p>Yes .</p>	<p>The obligation is directly related to the development in that it is required to meet the health needs arising from the development.</p> <p>Yes .</p>	<p>The obligation is considered both fair and reasonable in terms of determining the most appropriate health facilities, based on PCT standards of provision.</p> <p>Yes .</p>
<p>HC7 To provide temporary facilities for a doctor at market rate appropriate to the scale of the development from the commencement of the 301st dwelling until the opening of the GP Single Site Surgery / Western Neighbourhood Surgery.</p> <p>HC8 Retail unit space will be made available in an appropriate location to house a Temporary Pharmacy until the High Street is available for a permanent pharmacy. Retail space of not less than 60m2 will be made available in the High Street for a Permanent Pharmacy. Both the Temporary and the Permanent Pharmacy will be delivered under a standard commercial arrangement.</p>	<p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC4 &amp; 16                      North Plymouth Area Action Plan policies NP05.1, 11                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC4 &amp; 16                      North Plymouth Area Action Plan policies NP05.1, 11                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p>	<p>Yes .</p> <p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Plymouth Infrastructure Needs Assessment</li> </ul>	<p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to meet the health needs arising from the development.</p> <p>The obligation is directly related to the development in that it is required to meet the health needs arising from the development.</p>	<p><b>Explanation.</b>                      The obligation is considered both fair and reasonable in terms of determining the most appropriate health facilities, based on PCT standards of provision.</p> <p>The obligation is considered both fair and reasonable in terms of determining the most appropriate health facilities, based on PCT standards of provision.</p>
<p>HC9 To provide fully serviced land and</p>	<p>Yes .</p>	<p>Yes .</p>	<p>Yes .</p>	<p>Yes .</p>

<p><b>Obligation</b></p> <p>to build and fully fit out a Children's Centre in compliance with the Town Code and to deliver BREEAM Excellent standards. The Children's Centre will be located with one of the GPs Surgeries in accordance with HC2(a) and the accommodation provided will be not less than 600m2 unless otherwise agreed with Devon County Council. In the event that the building shall not be delivered by the Developer, the developer shall pay to Devon County Council a contribution of £1,045,714, plus an additional amount to deliver BREEAM Excellent standards, for the provision of a Children's Centre in compliance with the Town Code, and shall provide fully serviced land sufficient to accommodate such Children's Centre building adjacent to the GP Surgery Site or any other location approved by Devon County Council</p> <p>HC10 The specification of the Children's Centre shall be agreed with Devon County Council prior to the commencement of residential development</p> <p>HC11 If Devon County Council deliver the Children's Centre, then the Owners shall pay the contribution in line with delivery of the Children's Centre and the Council will deliver the Centre by the occupation of the 3000th dwelling. If the Children's Centre is delivered by the Owners then the Owners will deliver the Centre by the</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <table border="1"> <tr> <td data-bbox="300 1312 1086 1686"> <p><b>In terms of policy context?</b></p> <p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC4 &amp; 2                      North Plymouth Area Action Plan policies NP05.1, 11                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p> </td> <td data-bbox="300 931 1086 1312"> <p><b>In terms of other planning merits of the case?</b></p> <p><b>List other planning merits.</b>                      Population Census (empirical evidence to assess children generation)</p> </td> </tr> </table>		<p><b>In terms of policy context?</b></p> <p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC4 &amp; 2                      North Plymouth Area Action Plan policies NP05.1, 11                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p>	<p><b>In terms of other planning merits of the case?</b></p> <p><b>List other planning merits.</b>                      Population Census (empirical evidence to assess children generation)</p>
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<p><b>In terms of policy context?</b></p> <p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC4                      North Plymouth Area Action Plan policies NP05.1, 11                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 33 &amp; 34</p>	<p><b>In terms of other planning merits of the case?</b></p> <p><b>List other planning merits.</b></p>			
<p><b>Test B. Is the obligation directly related to the development?</b></p> <p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to meet the community needs arising from the development.</p> <p>The obligation is directly related to the development in that it is required to meet the community needs arising from the development.</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p><b>Explanation.</b>                      The obligation is considered both fair and reasonable in terms of determining the most appropriate community facilities, based on provision elsewhere in Devon County.</p> <p>The obligation is considered both fair and reasonable in terms of determining the most appropriate community facilities, based on provision elsewhere in Devon County.</p>			
<p><b>Test B. Is the obligation directly related to the development?</b></p> <p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to meet the community needs arising from the development phasing.</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p><b>Explanation.</b>                      The obligation is considered both fair and reasonable in terms of determining the most appropriate community facilities, based on provision elsewhere in Devon County.</p>			

<p><b>Obligation</b></p> <p>commencement of construction of the 3000th dwelling.</p> <p>HI To provide in the first half of development (for the avoidance of doubt 2,750 dwellings), a baseline provision of affordable housing as follows (assuming the tenure split of such affordable housing to be 50% Affordable Rent (AR), 50% Shared Ownership (SO) or such other alternative tenure mix that is agreed)</p> <p>(a) 17% affordable dwellings within the first 1,200 dwellings ( )</p> <p>(b) 20% affordable dwellings within the next 1,200 dwellings - 2,200 dwellings</p> <p>(c) 26.5% affordable dwellings within the next 2,200 dwellings - For the remaining phases of development, a Clawback Agreement shall be entered into between the District Council the City Council and the Owners. The Claw back Agreement shall provide a variable rate of Affordable Housing that is linked to a financial mechanism designed to share the benefits and risk of development. The clawback is based on the improvement over time of the difference between housing values and construction costs (the gross margin). Any changes in these values and costs will be reviewed on a cyclical basis after 700 units and thereafter every 500 unit tranches. 40% of the improvement in that gross margin will be used to provide additional affordable housing in the next tranche of development. The clawback review at the half way point will determine the minimum baseline</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p> <p>Sherford Area Action Plan policies SNC 3          South Hams Core Strategy policies CS 4 &amp; 6          North Plymouth Area Action Plan policies NP05.1, 11          Planning Obligations and Affordable Housing SPD          Plymouth Core Strategy CS 15, 33 &amp; 34</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of other planning merits of the case?</b></p> <p>Housing Market Needs Assessment 2006          Housing Strategy 2005-2010          DTZ Viability appraisal (confidential)</p>	<p><b>Test B. Is the obligation directly related to the development?</b></p> <p>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development phasing.</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p>The obligation is considered both fair and reasonable in light of policy objectives and local housing need, whilst balancing evidence from viability appraisals in the current and future markets.</p>
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<p><b>Obligation</b></p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p>	<p><b>Test B. Is the obligation directly related to the development?</b></p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
<p>provision level for the balance of the development (from 2,750 to 5,500 dwellings). Throughout the development if the clawback determines a level that is above the baseline floor levels the Owners will deliver that higher level of provision. In the PCC boundary there would be a baseline affordable housing provision of 64 homes. The split between tenures for the first half of the development within the Plymouth boundary would be 50% shared Ownership (32 homes) and 50% Affordable Rent( 32 homes) (with 37.5 % of the affordable rent units within Plymouth City Council boundary being provided at up to 50% of market rents( 12 homes)).</p>	<p><b>In terms of other planning merits of the case?</b></p>		
<p>H2 The Owners the District Council and the City Council shall use All Reasonable Endeavours to co-operate with the bidding process for grant funding through an Affordable Housing Provider (AHP) being either a Registered Provider (RP) partner or other such partner as may be relevant to this process at the time of bidding.</p> <p>H3 The Affordable Rent element shall be built by the Developer or an AHP and transferred to an AHP and dealt</p>	<p><b>Yes.</b></p> <p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC 3                      South Hams Core Strategy policies CS 4 &amp; 6                      North Plymouth Area Action Plan policies NP05                      Planning Obligations and Affordable Housing SPD                      Plymouth Core Strategy CS 15, 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC 3                      South Hams Core Strategy policies CS</p>	<p><b>Yes.</b></p> <p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to deliver the affordable housing needs arising from the development phasing.</p>	<p><b>Yes.</b></p> <p><b>Explanation.</b>                      The obligation is considered both fair and reasonable in terms of determining the most appropriate method of delivery of affordable housing.</p> <p>The obligation is considered both fair and reasonable in terms of determining</p>

<p><b>Obligation</b></p> <p>with under a Local Lettings Plan (LLP) which will be agreed with the Owners prior to the commencement of development. The underlying objectives of the LLP shall be to:</p> <ul style="list-style-type: none"> <li>(a) establish and sustain a mixed, stable and sustainable community at the development;</li> <li>(b) foster a sense of ownership and community;</li> <li>(c) learn from the profile of successful high density developments that have matured</li> <li>(d) facilitate effective management of the development</li> </ul> <p>The nominations for all Affordable Housing shall be in accordance with the Nominations Protocol contained within the Local Lettings Plan unless otherwise agreed by the Owners and the Relevant Council.</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p> <p>4 &amp; 6 North Plymouth Area Action Plan policies NP05 Planning Obligations and Affordable Housing SPD Plymouth Core Strategy CS 15, 33 &amp; 34</p>		<p><b>Test B. Is the obligation directly related to the development?</b></p> <p>deliver the affordable housing needs arising from the development phasing.</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p>the most appropriate method of delivery of affordable housing.</p>
<p>H4 Shared Ownership shall be delivered by the Owners to either an AHP partner or other such partner which may be a special purpose vehicle (SPV). Shared Ownership shall be offered for sale with purchase entry levels between 25% and 75% of market value, so long as the average entry level for each phase is no less than 40%, accepting rent on the balance at 2.75%. Rent levels may reduce in order to improve affordability should appropriate grant funding be available.</p> <p>H5 All intermediate dwellings shall be initially offered to Eligible Persons (EP)</p>	<p><b>Yes .</b></p> <p><b>List main policies relied upon.</b></p> <ul style="list-style-type: none"> <li>Sherford Area Action Plan policies SNC3</li> <li>South Hams Core Strategy policies CS 4 &amp; 6</li> <li>North Plymouth Area Action Plan policies NP05.</li> <li>Plymouth Core Strategy CS15, 33 &amp; 34</li> <li>Planning Obligations and Affordable Housing SPD</li> </ul> <p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Housing Market Needs Assessment 2006</li> <li>o Housing Strategy 2005-2010</li> <li>o DTZ Viability Assessment (confidential)</li> <li>o</li> </ul>		<p><b>Yes .</b></p> <p><b>Explanation.</b> The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development.</p>	<p><b>Yes .</b></p> <p><b>Explanation.</b> The obligation is considered both fair and reasonable in terms of determining the most appropriate affordable housing mix and provision based on HMNA and objectives of achieving a balanced community.</p>
<p>The obligation is directly related to the</p> <p>The obligation is considered both fair</p>				



<p><b>Obligation</b></p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p>		<p><b>Test B. Is the obligation directly related to the development?</b></p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
	<p><b>In terms of policy context?</b></p>	<p><b>In terms of other planning merits of the case?</b></p>		
<p>proposed by the local Home Buy Zone Agent (HBZA) where EP are persons or households in need of affordable housing as determined by the HBZA and having a local connection to the Plymouth/South Hams area or, if such EP cannot be identified within a reasonable time, thereafter from the Plymouth Housing Market Area and, finally, from the South West Region. If no EP can be identified within a reasonable time having followed this cascade procedure the dwelling(s) shall be dealt with in accordance with H.1.3 below.</p>	<p>Sherford Area Action Plan policies SNC3 South Hams Core Strategy policies CS 4 &amp; 6 North Plymouth Area Action Plan policies NP05. Plymouth Core Strategy CS15, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p>development in that it is required to meet the affordable housing needs arising from the development.</p>	<p>and reasonable in terms of determining the most appropriate affordable housing mix and provision based on HMNA and objectives of achieving a balanced community.</p>	
<p>H6 Standard Mortgage in Possession wording will be included</p>	<p>Sherford Area Action Plan policies SNC3 South Hams Core Strategy policies CS 4 &amp; 6 North Plymouth Area Action Plan policies NP05. Plymouth Core Strategy CS15, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p>development in that it is required to meet the affordable housing needs arising from the development over the long term .</p>	<p>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development over the long term .</p>	
<p>H7 Intermediate Other tenures will be agreed between the parties on the basis on an average 20% discount to market sales value.</p>	<p>Sherford Area Action Plan policies SNC3 South Hams Core Strategy policies CS4 &amp; 6 North Plymouth Area Action Plan</p>	<p>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development over the long term</p>	<p>The obligation is considered both fair and reasonable in light of policy objectives and local housing need, whilst balancing evidence from viability appraisals in the current and future markets.</p>	



Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
<p>H7A In calculating the clawback mechanism, the formula used will incorporate the actual transfer value for affordable housing received by the Owners. This will ensure that any additional benefit received from enhanced transfer values from AHPs will benefit the delivery of affordable housing.</p>	<p>policies NP05. Plymouth Core Strategy CS15, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p><b>Yes.</b></p> <p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Housing Market Needs Assessment 2006</li> <li>o Housing Strategy 2005-2010</li> <li>o DTZ Viability Assessment (confidential)</li> </ul>	<p><b>Yes.</b></p> <p><b>Explanation.</b> The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development.</p>	<p><b>Yes.</b></p> <p><b>Explanation.</b> The obligation is considered both fair and reasonable in terms of determining the most appropriate affordable housing mix and provision based on current and future deliverable market conditions, but with a clawback mechanism to increase this in line with the phasing proposals.</p>
<p>H8 For the avoidance of doubt any original developer or public subsidy at the point of the Affordable Housing Units being provided realised by an AHP (or SPV) from the disposal of an affordable dwelling to a household exercising their right to acquire or purchasing 100% of the equity of an Intermediate dwelling shall, in the case of an AHP, utilise such proceeds in accordance with the requirements of the HCA Capital Funding Guide. In the case of an SPV, it shall recycle developer subsidy equivalent to the level of initial discount of the relevant tenure type from its open market value.</p>	<p><b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC3 South Hams Core Strategy policies CS4 &amp; 6 North Plymouth Area Action Plan policies NP05.</p>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Housing Market Needs Assessment 2006</li> <li>o Housing Strategy 2005-2010</li> <li>o DTZ Viability Assessment (confidential)</li> </ul>	<p>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of determining the most appropriate affordable housing mix and provision based on current and future deliverable market conditions, but with a clawback mechanism to increase this in line with the phasing proposals.</p>
<p>H8 For the avoidance of doubt any original developer or public subsidy at the point of the Affordable Housing Units being provided realised by an AHP (or SPV) from the disposal of an affordable dwelling to a household exercising their right to acquire or purchasing 100% of the equity of an Intermediate dwelling shall, in the case of an AHP, utilise such proceeds in accordance with the requirements of the HCA Capital Funding Guide. In the case of an SPV, it shall recycle developer subsidy equivalent to the level of initial discount of the relevant tenure type from its open market value.</p>	<p><b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC3 South Hams Core Strategy policies CS4 &amp; 6 North Plymouth Area Action Plan policies NP05.</p>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Housing Market Needs Assessment 2006</li> <li>o Housing Strategy 2005-2010</li> <li>o DTZ Viability Assessment (confidential)</li> </ul>	<p>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of determining the most appropriate affordable housing mix and provision based on current and future deliverable market conditions, but with a clawback mechanism to increase this in line with the phasing proposals.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
<p>H9 Affordable dwellings provided shall remain at an affordable price for future eligible households unless, if this restriction is lifted, the original developer or public subsidy is recycled as at H8 in accordance with HCA Capital Funding Guide.</p> <p>H11 Affordable Housing shall provide for a mix of dwellings in compliance with the indicative mix described in the AAP (Table 1 page 45) unless any other appropriate mix is agreed between the parties.</p>	<p>Yes.</p> <p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC3                      South Hams Core Strategy policies CS4 &amp; 6                      North Plymouth Area Action Plan policies NP05.                      Plymouth Core Strategy CS15, 33 &amp; 34                      Planning Obligations and Affordable Housing SPD                      Sherford Area Action Plan policies SNC3                      North Plymouth Area Action Plan policies NP05.                      Plymouth Core Strategy CS15, 33 &amp; 34                      Planning Obligations and Affordable Housing SPD</p>		<p>Yes.</p> <p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development.</p>	<p>Yes.</p> <p><b>Explanation.</b>                      The obligation is considered both fair and reasonable in terms of ensuring the most appropriate affordable housing is safeguarded.</p>
	<p>Yes.</p> <p><b>List other planning merits.</b>                      o Housing Market Needs Assessment 2006                      o Housing Strategy 2005-2010                      o DTZ Viability Assessment (confidential)                      o Housing Market Needs Assessment 2006                      o Housing Strategy 2005-2010                      o DTZ Viability Assessment (confidential)</p>		<p>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of providing the most appropriate affordable housing mix.</p>
<p>H12 Affordable Housing shall be delivered as agreed with the District</p>	<p>Yes.</p>		<p>Yes.</p>	<p>Yes.</p>

<p><b>Obligation</b></p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p>		<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
	<p><b>In terms of policy context?</b></p>	<p><b>In terms of other planning merits of the case?</b></p>	
<p>Council and City Council. It is also recognised that the delivery of the proportions of Affordable Housing will vary by phase in accordance with the Clawback Agreement. Distribution of Affordable Housing will take consideration of proximity to the town and neighbourhood centres and public transport. Appropriate triggers shall be incorporated in the s.106 to ensure timely completion of the affordable housing in line with market housing.</p>	<p><b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC3 South Hams Core Strategy policies CS4 &amp; 6 North Plymouth Area Action Plan policies NP05. Plymouth Core Strategy CS15, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p><b>List other planning merits.</b> ○</p>	<p><b>Explanation.</b> The obligation is considered both fair and reasonable in terms of providing the most appropriate affordable housing mix.</p>
<p>H13 Reversion – All proceeds from the reversion of the dwellings from Affordable Housing tenure to market housing will be reinvested into affordable housing either onsite or offsite. Such reversion shall take place should the dwelling not be subject to an appropriate local authority nomination or sale subject to contract (STC) to a qualifying purchaser under the terms of its tenure at a minimum date of 6 months after completion. Within this time period the Relevant Council may opt for the property to remain within Affordable Housing but as a different tenure type subject to no tenure type increasing by more than any tenure caps which may be agreed between the parties. Any cost impact as a result of this change in tenure type to be the responsibility of the Relevant Council. In the event that such reversion takes place, the value of that reversion (taken to be the difference between the</p>	<p>Sherford Area Action Plan policies SNC3 South Hams Core Strategy policies CS4 &amp; 6 North Plymouth Area Action Plan policies NP05. Plymouth Core Strategy CS15, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development and over the phasing of the development.</p>	<p>The obligation is considered both fair and reasonable in terms of safeguarding the most appropriate affordable housing mix.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
<p>receipt to the developer for an open market unit and the receipt for the affordable tenure, less the affordable housing provider/developer's reasonable disposal costs) shall be paid to the Relevant Council by way of a contribution to offsite affordable housing provision.</p>	<p>Yes .</p>	<p>Yes .</p>	<p>Yes .</p>	<p>Yes .</p>
<p>H14 20% of all dwellings across each tenure type built at Sherford shall be built to Lifetimes Homes standards (or equivalent) as defined by the Joseph Rowntree Foundation. The level of Grant-funded affordable housing built to Lifetimes Homes Standards shall reflect the requirements imposed by the HCA as a condition of grant should such requirement exceed 20%. A percentage of dwellings shall be built to full Wheelchair Accessible standards (Wheelchair Housing Design Standards as defined by the Habinteg Housing Association). Such percentages shall be defined by the clearly evidenced level of current Wheelchair use (as provided by the Relevant Council) as a percentage of the population in Devon and Plymouth. This will be achieved by a population weighted average of the Census figures, Housing Market and Needs Assessment (or any other independent authoritative source for both areas).</p>	<p><b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC3  North Plymouth Area Action Plan policies NP05.  Plymouth Core Strategy CS15, 33 &amp; 34  Planning Obligations and Affordable Housing SPD</p>	<p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o Housing Market Needs Assessment 2006</li> <li>o Housing Strategy 2005-2010</li> </ul>	<p><b>Explanation.</b> The obligation is directly related to the development in that it is required to meet the housing needs arising from the development</p>	<p><b>Explanation.</b> The obligation is considered both fair and reasonable in terms of providing the most appropriate housing mix.</p>
<p>H15 All parties to use reasonable endeavours to facilitate the provision of 100 dwellings within Sherford as Mixed Tenure, Extra Care Housing (ECH). The provision shall also be subject to</p>	<p>Sherford Area Action Plan policies SNC3</p>	<ul style="list-style-type: none"> <li>o Housing Market Needs</li> </ul>	<p>The obligation is directly related to the development in that it is required to</p>	<p>The obligation is considered both fair and reasonable in terms of providing the most appropriate housing mix.</p>

<p><b>Obligation</b></p> <p>the confirmation from the Affordable Housing Provider that there is sufficient Supporting People Grant or Extra Care Revenue for them to sustainably operate such a scheme and therefore make a commitment so to do. For the avoidance of doubt, these dwellings will be classed as affordable housing and provided at nil cost to the Owners.</p> <p>H16 All Affordable Housing tenure types that are delivered as a result of the investment of Grant funding shall be built to meet the HCA Design and Quality Standards. Any measures required to achieve full DQS compliance for Affordable Housing specification or performance will have to be covered by Grant Funding. Service charge caps for all affordable housing tenures shall be agreed on the basis of affordability but for the avoidance of doubt, the Owners shall not be liable for any reduced service charge contributions agreed between the Management Company and/or the Community Trust and the Affordable Housing Provider. PROVIDED THAT:</p> <p>(1) Nothing in the above should restrict an RP in providing accommodation to Youth or special needs groups within the community subject to there being sufficient funding available (Supporting People or Extra Care Grant) to provide and sustainably operate housing support for vulnerable groups.</p> <p>(2) All Affordable Housing shall not be visually distinguishable from market housing in terms of build quality and materials.</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <table border="1"> <tr> <td data-bbox="300 1308 587 1682"> <p><b>In terms of policy context?</b></p> <p>North Plymouth Area Action Plan policies NP05.</p> <p>Plymouth Core Strategy CS15, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p> </td> <td data-bbox="300 931 587 1308"> <p><b>In terms of other planning merits of the case?</b></p> <p>Assessment 2006</p> <ul style="list-style-type: none"> <li>o Housing Strategy 2005-2010</li> <li>o DTZ Viability Assessment (confidential)</li> </ul> </td> </tr> </table>		<p><b>In terms of policy context?</b></p> <p>North Plymouth Area Action Plan policies NP05.</p> <p>Plymouth Core Strategy CS15, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p><b>In terms of other planning merits of the case?</b></p> <p>Assessment 2006</p> <ul style="list-style-type: none"> <li>o Housing Strategy 2005-2010</li> <li>o DTZ Viability Assessment (confidential)</li> </ul>	<p><b>Test B. Is the obligation directly related to the development?</b></p> <p>meet the housing needs arising from the development mindful of the viability consequences of provision.</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
<p><b>In terms of policy context?</b></p> <p>North Plymouth Area Action Plan policies NP05.</p> <p>Plymouth Core Strategy CS15, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p><b>In terms of other planning merits of the case?</b></p> <p>Assessment 2006</p> <ul style="list-style-type: none"> <li>o Housing Strategy 2005-2010</li> <li>o DTZ Viability Assessment (confidential)</li> </ul>					
<p>Yes.</p> <p><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS 4 &amp; 6</p> <p>North Plymouth Area Action Plan policies NP05.</p> <p>Plymouth Core Strategy CS15, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p>Yes.</p> <p><b>List other planning merits.</b></p>	<p>Yes.</p> <p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development</p>	<p>Yes.</p> <p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable in terms of providing the most appropriate housing mix.</p>			

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
<p>(3) A review will be undertaken at the end of each phase of development to ensure that the delivery of Affordable Housing is in accordance with the above clauses.</p> <p>The Owners will provide all reasonably required information in line with the review cycle in order that the LPAs may reasonably carry out the review.</p> <p>H17 Prior to commencement of Development a Clustering and Distribution Strategy shall be submitted to and approved by the Relevant Council to reflect the base principles that there shall be no more affordable units than 12 houses or 16 flats in any one block, and that no two clusters of affordable housing (here meaning all affordable tenures) shall be contiguous unless otherwise agreed</p>	<p>Sherford Area Action Plan policies SNC3</p> <p>North Plymstock Area Action Plan policies NP05.</p> <p>Plymouth Core Strategy CS15, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>		<p>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of providing the most appropriate housing mix.</p>
<p>OS1 To provide and fund up to a value of £5,000,000 a 200ha Community Park, on a phased basis prior to the completion of the 4,000th dwelling. The ecological mitigation elements of the design, content and phasing of the Community Park and their timing shall be agreed with the Council prior to the commencement of development. All works shall be implemented in accordance with the agreed phasing. The Community Park shall broadly be split into three areas defined by use as follows: (a) Formal and informal active play. (b) Ecological protection and</p>	<p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC1, 9, 10, 16</p> <p>North Plymstock Area Action Policies NP05.23</p> <p>Plymouth Core Strategy CS18, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p><u>List other planning merits.</u></p> <ul style="list-style-type: none"> <li>o EIA</li> <li>o Sherford EbD</li> <li>o BRE Sustainability Assessment</li> <li>o Plymouth Infrastructure Needs Assessment</li> </ul>	<p>The obligation is directly related to the development in that it is required to meet the community and green infrastructure needs arising from the development</p>	<p>The obligation is considered both fair and reasonable in terms of providing the supporting green infrastructure.</p>



Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
enhancement. (c) Agriculture / food production / grassland.  OS1b To provide within or adjacent to the Community Park at least one cafe and shop, one public house and subject to viability, a Community Organic Farm with associated cycle and car parking for each.	Sherford Area Action Plan policies SNC4 & 9		The obligation is directly related to the development in that it is required to meet the community and green infrastructure needs arising from the development	The obligation is considered both fair and reasonable in terms of providing the supporting community facilities.
OS1c To provide appropriate public access to the Community Park and Organic Farm and all other public open space, and to provide adequate arrangements for the safety and management of that public access.		Yes.	Yes.	Yes.
OS2 To provide and fully fund 5ha of high quality public spaces, civic spaces and urban parks within the urban form in accordance with the specification outlined in the Town Code and implemented to the satisfaction of the Appropriate Authorities. Public spaces, civic spaces and urban parks to be provided in accordance with Town Plan, and in phase with residential development.	<u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC1, 9 & 10  North Plymstock Area Action Policies NP05.23  Sherford Area Action Plan policies SNC3 & 9  North Plymstock Area Action Policies NIP05.16 & 22  Plymouth Core Strategy CS18, 33 & 34  Planning Obligations and Affordable Housing SPD	<u>List other planning merits.</u>  Sherford Ebd	<u>Explanation.</u> The obligation is directly related to the development in that it is required to meet the community and green infrastructure needs arising from the development  The obligation is directly related to the development in that it is required to meet the community and green infrastructure needs arising from the development	<u>Explanation.</u> The obligation is considered both fair and reasonable in terms of providing the supporting green infrastructure.  The obligation is considered both fair and reasonable in terms of providing the supporting green infrastructure.
OS3 To provide and fully fund 70ha. of woodland planting for the purposes of		Yes.	Yes.	Yes.



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	List main policies relied upon.	List other planning merits	Explanation.	Explanation.
<p>carbon offsetting throughout the development. Details shall be agreed prior to commencement of development as part of the Implementation Plan and be implemented in accordance with phasing set out in the Implementation Plan.</p> <p>OS4 To deliver the Ecological and Landscape mitigation and other elements of open space in accordance with the Implementation Plan which shall be approved by the Relevant Councils prior to commencement of development.</p>	<p>Sherford Area Action Plan policies SNC2 &amp; 10</p> <p>Sherford Area Action Plan policies SNC9</p> <p>North Plymstock Area Action Policies NP05. 26, 27, 28</p> <p>Plymouth Core Strategy CS18, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p>o BRE Assessment</p> <p>EIA</p>	<p>The obligation is directly related to the development in that it is required to mitigate the environmental impacts arising from the development</p> <p>The obligation is directly related to the development in that it is required to mitigate the environmental impacts arising from the development.</p>	<p>The obligation is considered both fair and reasonable in terms of providing the supporting carbon reduction / mitigating the environmental impacts of this green field development.</p> <p>The obligation is considered both fair and reasonable in terms of mitigating the environmental impacts of this green field development.</p>
<p>OS5 Any transfer of open and public space to a Relevant Council shall be subject to the agreement of that Council and the payment of appropriate commuted sums. Unless a transfer to an Relevant Council is agreed, management and maintenance shall be by a Management Company and/or a Community Trust in accordance with arrangements agreed between the parties.</p> <p>OS6 In phase with residential development, fully serviced land shall be provided for the following purposes:</p> <ul style="list-style-type: none"> <li>• 4ha of Allotments, each area delivered broadly in line with the phasing of residential development. These shall be located throughout the neighbourhoods</li> </ul>	<p>Sherford Area Action Plan policies SNC1 &amp; 10</p> <p>North Plymstock Area Action Policies NP05.1 &amp; 15</p> <p>Plymouth Core Strategy CS15, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p> <p>Sherford Area Action Plan policies SNC4 &amp; 9</p> <p>North Plymstock Area Action Policies NP05.16, 22 &amp; 27</p> <p>Plymouth Core Strategy CS18, 33 &amp; 34</p>	<p>Yes.</p> <p>List other planning merits</p> <p>Sherford EbD</p> <p>Plymouth Infrastructure Needs Assessment</p> <p>National guidance relating to provision</p>	<p>Yes.</p> <p>The obligation is directly related to the management of greenspaces provided to meet the needs arising from the development</p> <p>The obligation is directly related to the development in that it is required to meet the needs arising from the development</p>	<p>Yes.</p> <p>The obligation is considered both fair and reasonable in terms of the management of greenspaces provided to meet the needs arising from the development.</p> <p>The obligation is considered both fair and reasonable in terms of meeting the needs arising from the development as set out in national guidance.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
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<p>and any residual will be located conveniently within the Community Park.</p> <ul style="list-style-type: none"> <li>• 2ha for a Cemetery / Memorial Garden / Green Burial Site with an appropriate boundary to control formal access located within the Community Park.</li> </ul>	<p>Planning Obligations and Affordable Housing SPD</p>	<p>of allotments</p>	<p><b>Yes .</b></p> <p><b>Explanation.</b> The obligation is directly related to the development in that it is required to mitigate the impacts arising from the development</p>	<p><b>Yes .</b></p> <p><b>Explanation.</b> The obligation is considered both fair and reasonable in terms of mitigating the visual impacts of development on the historic environment.</p>
<p>OS7 A Contribution of £55,000 shall be provided to fund strategic offsite landscaping required to mitigate the visual effects of the development at the following locations - south of the A38, Higher Hareston, Green Buffer Zone (as defined in the AAP Diagram 4 page 71 of the AAP) and Saltram House.</p> <p>SR1 The following Play Facilities will be provided to an agreed specification and phasing as outlined within the Masterplan and Town Code.</p> <ul style="list-style-type: none"> <li>• A network of high quality Local Areas of Play (LAP), located nominally within a radius of 100m and no more than 200m by the shortest walking route from each dwelling, with imaginative use of other public spaces to avoid a plethora of small sites.</li> <li>• 7 (Seven) Local Equipped Areas of Play (LEAP) of a minimum 400m<sup>2</sup> in size delivered in phase with development.</li> <li>• Two Neighbourhood Equipped Areas of Play (NEAP) of a minimum of 1000m<sup>2</sup> in</li> </ul>	<p><b>Yes .</b></p> <p><b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC10 South Hams Core Strategy CS9 North Plymouth Area Action Policies NP11.6 Plymouth Core Strategy CS18, 33 &amp; 34 Planning Obligations and Affordable Housing SPD Sherford Area Action Plan policies SNC9 North Plymouth Area Action Policies NP05.24 &amp; 25 Plymouth Core Strategy CS30, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p><b>Yes .</b></p> <p><b>List other planning merits.</b> o EIA</p>	<p><b>Yes .</b></p> <p><b>Explanation.</b> The obligation is directly related to the development in that it is required to meet the needs arising from the development</p>	<p><b>Yes .</b></p> <p>The obligation is considered both fair and reasonable in terms of meeting the needs arising from the development as set out in national guidance.</p>

<p><b>Obligation</b></p> <p>size and each incorporating a Multi Use Games Area (MUGA).</p> <ul style="list-style-type: none"> <li>• A skate park of at least 35m x 20m shall be delivered. It may be delivered as part of a NEAP and, if so, should be located near to the Youth Centre. The skate park shall provide at least 6 pieces of equipment constructed from durable materials, designed in conjunction with young people resident at Sherford and other users and shall be delivered by the commencement of the 4,001st dwelling or as otherwise agreed.</li> </ul> <p>SR2 To provide outdoor sports provision with supporting pavilion and changing facilities in accordance with the National Playing Fields Association (NPFA) and Sport England (SE) standards. This area shall include the following:</p> <ul style="list-style-type: none"> <li>• One all-weather floodlit pitch suitable for football, rugby or hockey training;</li> <li>• One all-weather floodlit MUGA;</li> <li>• One five aside grass pitch</li> <li>• three grass senior football pitch;</li> <li>• two senior cricket or rugby pitches</li> <li>• two grass junior football pitch</li> <li>• Six hard tennis courts and</li> <li>• all necessary associated, pavilion, changing, social, administrative and parking facilities.</li> </ul> <p>These shall include and be located broadly as follows, unless otherwise agreed:</p> <ul style="list-style-type: none"> <li>• Sports Hub / West Pitches and Courts, broadly in the location and per the layout shown in the Masterplan Book Addendum, (Chapter 4bvi, Figure 12, after page 21) by the 701st</li> </ul>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p>		<p><b>Test B. Is the obligation directly related to the development?</b></p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
<p>SR2 To provide outdoor sports provision with supporting pavilion and changing facilities in accordance with the National Playing Fields Association (NPFA) and Sport England (SE) standards. This area shall include the following:</p> <ul style="list-style-type: none"> <li>• One all-weather floodlit pitch suitable for football, rugby or hockey training;</li> <li>• One all-weather floodlit MUGA;</li> <li>• One five aside grass pitch</li> <li>• three grass senior football pitch;</li> <li>• two senior cricket or rugby pitches</li> <li>• two grass junior football pitch</li> <li>• Six hard tennis courts and</li> <li>• all necessary associated, pavilion, changing, social, administrative and parking facilities.</li> </ul> <p>These shall include and be located broadly as follows, unless otherwise agreed:</p> <ul style="list-style-type: none"> <li>• Sports Hub / West Pitches and Courts, broadly in the location and per the layout shown in the Masterplan Book Addendum, (Chapter 4bvi, Figure 12, after page 21) by the 701st</li> </ul>	<p><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC9</p> <p>North Plymstock Area Action Policies NP05, 16 &amp; 18</p> <p>Plymouth Core Strategy CS30, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p><b>Yes.</b></p> <p><b>List other planning merits.</b></p> <p>Plymouth Infrastructure Needs Assessment</p> <p>Plymouth Sports Facility Strategy</p> <p>Plymouth Playing Pitch Strategy 2007 – 2016</p>	<p><b>Yes.</b></p> <p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to meet the needs arising and mitigate the impacts arising from the development</p>	<p><b>Yes.</b></p> <p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable in terms of meeting the needs arising from the development as set out by Sports England and the National Playing Fields Association.</p>

<p><b>Obligation</b></p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b> In terms of policy context?</p>	<p><b>Test B. Is the obligation directly related to the development?</b></p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
<p>completion. Provision is currently to be configured as:</p> <ul style="list-style-type: none"> <li>(a) 1 all weather floodlit pitch suitable for football, hockey and rugby training</li> <li>(b) 1 all weather floodlit MUGA suitable for 6 tennis courts / five a-side football</li> <li>(c) 1 five a-side grass pitch</li> <li>(d) 1 grass senior football pitch</li> <li>(e) 1 senior cricket pitch</li> <li>(f) 1 grass junior football pitch</li> <li>(g) 1 pavilion and changing facilities to cater for a total of eight teams (this can be provided within the Indoor Sports centre</li> <li>(h) car parking and secure cycle parking</li> </ul> <ul style="list-style-type: none"> <li>• To provide new playing field facilities in the north east (East Pitches) of the site prior to the commencement of construction of the 5,000th dwelling.</li> </ul> <p>Provision is currently to be configured as:</p> <ul style="list-style-type: none"> <li>(a) 1 senior cricket pitch</li> <li>(b) 6 hard tennis courts</li> <li>(c) 2 senior football pitches</li> <li>(d) 1 junior football pitches</li> <li>(e) 1 pavilion and changing facilities to cater for a total of six teams</li> <li>(f) car parking and secure cycle parking</li> </ul> <p>Timing of provision shall be phased with development and agreed before the commencement of development. Those facilities reliant on dual use of school facilities to meet the requirements will require access agreements to ensure sufficient facilities are available for community access.</p>	<p>SR3 Primary Schools will include playing</p>		

<p><b>Obligation</b></p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p>		<p><b>Test B. Is the obligation directly related to the development?</b></p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
	<p><b>In terms of policy context?</b></p>	<p><b>In terms of other planning merits of the case?</b></p>		
<p>field facilities in accordance with Building Bulletin 99, currently to be configured as:</p> <ul style="list-style-type: none"> <li>• 3 Junior football pitches</li> <li>• associated dry changing facilities</li> </ul> <p>If dual use cannot be established for the Primary School playing field facilities an alternative (separate) junior football pitch (for each Primary School not allowing or able to offer dual use) will be provided by the Owners at the East Pitches.</p>	<p>Sherford Area Action Plan policies SNC4 &amp; 9</p> <p>North Plymouth Area Action Policies NP05. 11 &amp; 13</p> <p>Plymouth Core Strategy CS18, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>		<p>The obligation is directly related to the development in that it is required to meet the needs arising from the development</p>	<p>The obligation is considered both fair and reasonable in terms of meeting the needs arising from the development as set out by the Building Bulletin 99, Sports England and the National Playing Fields Association.</p>
<p>SR4 The Secondary School will include playing field facilities in accordance with Building Bulletin 98, currently to be configured as:</p> <ul style="list-style-type: none"> <li>• 5 Tennis courts</li> <li>• 1 Junior football pitch (for the use of 13 -15 years)</li> <li>• 1 Junior football pitch (for the use of 15 - 16 years)</li> <li>• area for a 400m grass running track (combined with a cricket wicket)</li> <li>• associated changing facilities for the dual use of Secondary School pitches. If dual use cannot be established for the Secondary School playing field facilities an alternative (separate) 5 tennis courts and 2 junior football pitches will be provided by the Owners at the East Pitches</li> </ul>	<p><b>Yes .</b></p> <p><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC4 &amp; 9</p> <p>North Plymouth Area Action Policies NP05. 11, 12 &amp; 13</p> <p>Plymouth Core Strategy CS30, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p><b>Yes .</b></p> <p><b>List other planning merits.</b></p>	<p><b>Yes .</b></p> <p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to meet the needs arising from the development</p>	<p><b>Yes .</b></p> <p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable in terms of meeting the needs arising from the development as set out by the Building Bulletin 98, Sports England and the National Playing Fields Association.</p>
<p>SR5 Any transfer of outdoor sports pitches and courts to a Relevant</p>	<p>Sherford Area Action Plan policies SNC1</p>		<p>The obligation is directly related to the</p>	<p>The obligation is considered both fair and reasonable in securing the</p>

<p><b>Obligation</b></p> <p>Council shall be subject to the agreement of that Council and payment to such Council of appropriate commuted sums. Unless a transfer to a Relevant Council is agreed by such Council, management and maintenance shall be by a Management Entity and/or a Community Trust in accordance with paragraphs CF1-4.</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <table border="1"> <tr> <td data-bbox="300 1308 587 1684"> <p><b>In terms of policy context?</b></p> <p>North Plymstock Area Action Policies NP05. 15 &amp; 1 Plymouth Core Strategy CS30, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p> </td> <td data-bbox="300 931 587 1308"> <p><b>In terms of other planning merits of the case?</b></p> </td> </tr> </table>		<p><b>In terms of policy context?</b></p> <p>North Plymstock Area Action Policies NP05. 15 &amp; 1 Plymouth Core Strategy CS30, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p><b>In terms of other planning merits of the case?</b></p>	<p><b>Test B. Is the obligation directly related to the development?</b></p> <p>development in that it is required to ensure management is secured for the facilities which meet the needs arising from the development.</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p>management for facilities that meet the needs arising from the development.</p>
<p><b>In terms of policy context?</b></p> <p>North Plymstock Area Action Policies NP05. 15 &amp; 1 Plymouth Core Strategy CS30, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p><b>In terms of other planning merits of the case?</b></p>					
<p>SR6 Prior to the commencement of the 301st dwelling, to identify and secure land sufficient to provide for an indoor sports centre which meets in full Sport England standards for a development the size of Sherford. Prior or to the commencement of the 701st dwelling, to provide at the indoor sports centre the following:</p> <ul style="list-style-type: none"> <li>(a) A four lane 25m indoor heated swimming pool (subject to the City Council using reasonable endeavours to secure contributions from any new major residential development with benefit of access to the swimming pool).</li> <li>(b) Ancillary reception, administration, servicing and storage areas</li> <li>(c) Wet changing facilities</li> <li>(d) Car parking and secure cycle parking</li> </ul> <p>Prior or to the commencement of the 2,301st dwelling, to provide at the indoor sports centre the following:</p> <ul style="list-style-type: none"> <li>(a) Four court sports hall</li> <li>(b) Dry changing facilities</li> <li>(c) Appropriate additional reception, administration, servicing and storage areas</li> <li>(d) Multi function room of a size</li> </ul>	<p><b>Yes.</b></p> <p><b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC9  North Plymstock Area Action Policies NP05. 16 &amp; 18 &amp; NP01.16  Plymouth Core Strategy policy CS30, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p> <p><b>List other planning merits.</b> Plymouth Infrastructure Needs Assessment  Plymouth Sports Facility Strategy</p>		<p><b>Yes.</b></p> <p><b>Explanation.</b> The obligation is directly related to the development in that it is required to meet the needs arising from the development.</p>	<p><b>Yes.</b></p> <p><b>Explanation.</b> The obligation is considered both fair and reasonable in meeting the needs arising from the development as defined through Sports England standards, with other contributions secured or sought from other developments where necessary.</p>		



Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
<p>capable of accommodating gymnasium and fitness facilities (minimum of 40 stations of sport equipment) and ancillary treatment facilities of at least 200sq.m (e) Additional car parking and secure cycle parking</p> <p>SR7 Prior to the submission of the first application for the approval of first Reserved Matters for the Indoor Sports Centre the management regime (including charging, access, ongoing running and operational arrangements) of the facility shall be approved by the City Council.</p>	<p>Sherford Area Action Plan policies SNC1</p> <p>North Plymouth Area Action Policies NP05. 15 &amp; 1</p> <p>Plymouth Core Strategy policy CS30, 33, 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p>Sherford Area Action Plan policies SNC1</p> <p>North Plymouth Area Action Policies NP05. 15 &amp; 1</p> <p>Plymouth Core Strategy policy CS30, 33, 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p>The obligation is directly related to the development in that it is required to ensure the management provisions are secured to continue to meet the needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in securing suitable management for facilities provided to meet the needs arising from the development as defined through Sports England standards.</p>
<p>SR8 Any transfer of the Indoor Sports Centre to a Relevant Council shall be subject to the agreement of that Council and payment to such Council of appropriate commuted sums. Unless a transfer to a Relevant Council is agreed by such Council, management and maintenance shall be by a Management Entity and/or a Community Trust in accordance with paragraphs CF1-4.</p> <p>SR9 Prior to the commencement of the 400 1st dwelling to safeguard and make available to Sherford residents bowling club land appropriate for the provision of a 36m x 36m bowling green, and a changing room and social facility and the appropriate number of disabled parking spaces unless otherwise agreed</p>	<p><b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC1 North Plymouth Area Action Policies NP05. 15 &amp; 1 Plymouth Core Strategy policy CS30, 33, 34 Planning Obligations and Affordable Housing SPD</p> <p><b>List other planning merits.</b> Sherford EbD</p>	<p>The obligation is directly related to the development in that it is required to secure land to meet the needs arising from the development.</p>	<p>The obligation is directly related to the development in that it is required to ensure the management provisions are secured to continue to meet the needs arising from the development.</p> <p>The obligation is directly related to the development in that it is required to secure land to meet the needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in securing suitable management for facilities provided to meet the needs arising from the development as defined through Sports England standards.</p> <p>The obligation is considered both fair and reasonable in securing land for facilities provided to meet the needs arising from the development as defined through Sports England standards.</p>



Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
SR14 To pay a contribution of £25,000 to the Countryside Park identified in the North Plymouth AAP (Proposal NPI1)	<p><b>List main policies relied upon.</b> North Plymouth Area Action Policies NPI1 as set out in the Delivery Table Plymouth Core Strategy CS18, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p><b>List other planning merits.</b> Plymouth Infrastructure Needs Assessment Saltram Countryside Park Masterplan Plymouth Green Infrastructure Plan</p>	<p><b>Yes.</b> <b>Explanation.</b> The obligation is directly related to the development in that it is required to meet demand and increased impact of use on the Saltram Estate and Countryside Park.</p>	<p><b>Yes.</b> <b>Explanation.</b> The obligation is considered both fair and reasonable in contributing a proportion of the overall costs of taking forward the proposals for North Plymouth Countryside Park to meet the demand arising from the development.</p>
SR15 To pay a contribution of £100 to the Life Centre at Plymouth Central Park	<p>North Plymouth Area Action Policies NIP05.9 Plymouth Core Strategy CS18, 33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p>Plymouth Infrastructure Needs Assessment Plymouth Sports Facility Strategy</p>	<p>The obligation is directly related to the development in that it is required to meet demand on citywide sports facilities.</p>	<p>The obligation is considered both fair and reasonable in contributing a proportion of the overall costs of delivery of the Life Centre to meet the demand arising from the development.</p>
M1 To identify and secure 0.4 ha of fully serviced land capable of accommodating a Type 2 police station (700m2 on two floors) and with 55 car parking spaces (35 standard and 20 for operational vehicles) and to make such land available to the District Council. The land shall be identified prior to the commencement of the 701st dwelling and made available prior to the commencement of the 2,301st dwelling.	<p><b>List main policies relied upon.</b> Sherford Area Action Plan policies SNC4 North Plymouth Area Action Policies NIP05.11 &amp; 1 Plymouth Core Strategy CS33 &amp; 34 Planning Obligations and Affordable Housing SPD</p>	<p><b>List other planning merits.</b></p>	<p><b>Yes.</b> <b>Explanation.</b> The obligation is directly related to the development in that it is required to meet the needs arising from the development over the phasing of development.</p>	<p><b>Yes.</b> <b>Explanation.</b> The obligation is considered both fair and reasonable in meeting the needs arising from the development based on provision elsewhere in Devon.</p>
M2 Prior to the commencement of the 701st dwelling, to make available at a			<p>The obligation is considered both fair</p>	<p>The obligation is considered both fair</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
<p>peppercorn rent a temporary location within the Western Neighbourhood for a public access 'shop front' police facility of 90m2, together with 60m2 of shared space. Subsequently to provide the same level of facility on a permanent commercial rent basis as part of the Town Hall when it is completed.</p>	<p>Sherford Area Action Plan policies SNC 4, 12 &amp; 16</p> <p>North Plymouth Area Action Policies NP05.11 &amp; 1</p> <p>Plymouth Core Strategy CS33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>		<p>The obligation is directly related to the development in that it is required to meet the needs arising from the development.</p>	<p>and reasonable in meeting the needs arising from the development.</p>
<p>M4 From the commencement of development to make available if required by the Police Authority a temporary facility for police staff to a specification to be agreed by all parties until provision required in M2 is made available.</p>	<p><b>Yes.</b></p> <p><u>List main policies relied upon.</u></p> <p>Sherford Area Action Plan policies SNC 16</p> <p>North Plymouth Area Action Policies NP05.11 &amp; 1</p> <p>Plymouth Core Strategy CS33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p><b>Yes.</b></p> <p><u>List other planning merits.</u></p>	<p><b>Yes.</b></p> <p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to meet the needs arising from the development over the phasing of development.</p>	<p><b>Yes.</b></p> <p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable in meeting the needs arising from the development.</p>
<p>M5a Prior to the commencement of the 701st dwelling to identify the site and prior to the commencement of the 1,100th dwelling to make available a fully serviced site of 0.35 ha, suitable for a third party to provide a 700m2 place of worship including car parking for 10 cars.</p>	<p><b>Yes.</b></p> <p><u>List main policies relied upon.</u></p> <p>Sherford Area Action Plan policies SNC4 &amp; 11</p> <p>North Plymouth Area Action Policies NP05.11 &amp; 1</p> <p>Plymouth Core Strategy CS33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>		<p>The obligation is directly related to the development in that it is required to meet the needs arising from the phasing of development.</p>	<p>The obligation is considered both fair and reasonable in meeting the needs arising from the development.</p>
<p>M5b Prior to the commencement of the 701st dwelling to make available a fully serviced plot (up to 0.05ha) suitable for a third party to provide a permanent 4 bedroom dwelling of suitable design for a resident faith worker. Such dwelling to be deemed an Intermediate Other Dwelling as part of Sherford's affordable housing provision.</p>	<p><b>Yes.</b></p> <p><u>List main policies relied upon.</u></p> <p>Sherford Area Action Plan policies SNC4 &amp; 11</p>	<p><b>Yes.</b></p> <p><u>List other planning merits.</u></p>	<p><b>Yes.</b></p> <p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to meet the needs arising from the phasing of development.</p>	<p><b>Yes.</b></p> <p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable in meeting the needs arising from the development.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
M6 Prior to the commencement of the 101st dwelling to make a temporary dwelling available until the permanent dwelling is available of suitable design for a resident faith worker.	Sherford Area Action Plan policies SNC16		The obligation is directly related to the development in that it is required to meet the needs arising from the phasing of development.	The obligation is considered both fair and reasonable in meeting the needs arising from the development.
M7 Prior to the commencement of the 301st dwelling, to make available temporary meeting and office space for a place of worship and related uses in the Western Neighbourhood Centre	<u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC16 North Plymstock Area Action Policies NP05.11 & 1	<u>List other planning merits.</u>	<b>Yes.</b> <u>Explanation.</u> The obligation is directly related to the development in that it is required to meet the needs arising from the development	<b>Yes.</b> <u>Explanation.</u> The obligation is considered both fair and reasonable in meeting the needs arising from the development.
M8 Prior to the commencement of the 150th dwelling a Public Art and Culture Strategy shall be submitted to the District Council and agreed. This will be produced by an Public Art and Culture Consultant (public art champion) who shall have been commissioned by the developer to prepare and facilitate the implementation of a Public Art and Culture Strategy.	Sherford Area Action Plan policies SNC3 & 9 South Hams Development Policies DPD1		The obligation is directly related to the development in that it is required on site as part of the requirements achieve a high quality of scheme.	The obligation is considered both fair and reasonable in meeting the needs arising from the development in line with the Public Art and Culture Strategy and current best practice to ensure it's proper provision
M9 The Public Art and Culture Strategy shall include details of :- • artistic input into design, development and delivery of built and natural environments; • art projects funding; • community involvement in art projects and design; and • provision of a public art champion to facilitate distribution of funds for art initiatives • provision of facilities to hold cultural events and activities. • A timetable for the implementation of	<u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC3 & 9 South Hams Development Policies DPD1	<u>List other planning merits.</u>	<b>Yes.</b> <u>Explanation.</u> The obligation is directly related to the development in that it is required on site as part of the requirements achieve a high quality of scheme.	<b>Yes.</b> <u>Explanation.</u> The obligation is considered both fair and reasonable in meeting the needs arising from the development.

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context? In terms of other planning merits of the case?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
<p>the contents of such strategy</p> <p>M10 To allocate £500,000 for Public Art and Culture to be incorporated within the design and specification of the development and a schedule of expenditure shall be maintained throughout the development and made available to the District Council to demonstrate that a specific investment has been made to benefit the public realm and not on architectural design advice. A further £1,500,000 may be allocated towards public art expenditure from the clawback mechanism.</p>	<p>Sherford Area Action Plan policies SNC3 &amp; 9</p> <p>South Hams Development Policies DPD1</p>	<p>The obligation is directly related to the development in that it is required on site as part of the requirements achieve a high quality of scheme.</p>	<p>The obligation is considered both fair and reasonable in meeting the needs arising from the development.</p>	<p>The obligation is considered both fair and reasonable in meeting the needs arising from the development.</p>
<p>M11 Up to 10% of the £500,000 identified above in M.10 shall be applied to producing the Public Art and Culture Strategy and for the continuing engagement of a public art champion throughout the period of development.</p> <p>M12 To provide £170,000 towards the actions in the Tamar and Yealm Estuary Management Plans that are linked to the management of off-site recreational impacts within the Plymouth Sound &amp; Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Special Protection Area (SPA). This contribution will be paid ahead of each phase</p>	<p>Yes.</p> <p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC3 &amp; 9</p> <p>South Hams Development Policies DPD1</p> <p>Sherford AAP policies SNC5 &amp; 10</p> <p>North Plymouth Area Action Policies NIP05. 47</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p>Yes.</p> <p><u>List other planning merits.</u></p> <p>The obligation is directly related to the development in that it is required on site as part of the requirements achieve a high quality of scheme.</p> <p>The obligation is directly related to the development in that it is required to mitigate the impacts arising from the development</p>	<p>Yes.</p> <p><u>Explanation.</u> The obligation is considered both fair and reasonable in meeting the needs arising from the development.</p>	<p>Yes.</p> <p><u>Explanation.</u> The obligation is considered both fair and reasonable in mitigating the impacts arising from the development on the SAC and SPA.</p>
<p>G11 To construct a Town Hall in the High Street providing a building of not</p>	<p>Yes.</p>	<p>Yes.</p>	<p>Yes.</p>	<p>Yes.</p>

<p><b>Obligation</b></p> <p>less than 1,500 sq.m. with space to be made available for use by the Management Company, the Community Trust and other community related uses. The Town Hall shall include as a minimum :-</p> <ul style="list-style-type: none"> <li>• an area capable of accommodating a reception , common reception hall , offices and meeting rooms, and facilities to be shared with other uses including voluntary services and community activities (including temporarily a place of worship) as appropriate. Offices and meeting space shall be made available to</li> <li>• the Community Trust, (200 sq metres) which shall be provided at a peppercorn rent for as long as it is required by the Community Trust.</li> <li>• The Town Council, Citizens Advice Bureau and other voluntary services as appropriate (115 sq metres).</li> <li>• Police public access 'shop-front' (90 sq metres).</li> <li>• multi-functional meeting space, most of which will be capable of being available as one public meeting space (175 sq metres),</li> <li>• space for local authority 'hotdesks' up to a maximum of 3 staff (60 sq metres). Mini-cinema / presentation / event room (250 sq meters)</li> </ul> <p>Other facilities at the Town Hall to include :</p> <ul style="list-style-type: none"> <li>• Kitchen facilities</li> <li>• Public toilets</li> <li>• Provision of 14 car spaces, including 4 secure spaces for police use and 2 for a Car Club</li> </ul> <p>The Town Hall may include a café, catering facilities, plus additional</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p> <p><u>List main policies relied upon.</u>                  Sherford Area Action Plan policies SNCI, 4 &amp; 11                  North Plymouth Area Action Policies NP05.11, 1&amp; 33</p> <p><b>In terms of other planning merits of the case?</b></p> <p><u>List other planning merits.</u>                  Sherford EbD                  Plymouth Infrastructure Needs Assessment</p>		<p><b>Test B. Is the obligation directly related to the development?</b></p> <p><u>Explanation.</u>                  The obligation is directly related to the development in that it is required to meet the needs arising from the development</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p><u>Explanation.</u>                  The obligation is considered both fair and reasonable in meeting the needs arising from the development, being based on equivalent provision elsewhere in Devon.</p>
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Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
<p>office and meeting rooms functioning as a Managed Workspace Facility.</p> <p>C12 The Town Hall shall be made available before the commencement of the 1,301<sup>st</sup> dwelling. Temporary community infrastructure facilities may be located either in the first Primary School or in vacant retail / office space or temporary buildings within the Western Neighbourhood until delivery of the Town Hall.</p>	<p>Sherford Area Action Plan policies SNC1, 4 &amp; 11, 16</p> <p>North Plymstock Area Action Policies NP05.11 &amp; 1</p>		<p>The obligation is directly related to the development in that it is required to meet the needs arising from the development phasing</p>	<p>The obligation is considered both fair and reasonable in meeting the needs arising from the development phasing, being based on equivalent provision elsewhere in Devon.</p>
<p>C13 To provide the building or space to house the Library and Information Centre of 500m<sup>2</sup> gross (in the case of a separate building) or 400m<sup>2</sup> net (in the case of space within the Town Hall) together in each case with its full fitting out including bookstock. It is expected to be incorporated into, or contiguous with, the Town Hall, but it may be built in a separate Town Centre location subject to agreement with the County Council. It shall either be delivered in phase with the Town Hall or prior to the 2,301<sup>st</sup> completion if not part of the Town Hall. If not built by the Owners then the Owners shall provide fully serviced land of 0.25 ha and a contribution of £1,500,000 (for build and fit out) and £200,000 for book stock.</p> <p>C14 The Library and Information Centre shall be capable of expanding by 190m<sup>2</sup> if further expansion of Sherford were subsequently approved. Funding for the additional space will be provided by the owners of the expansion land.</p>	<p>Yes.</p> <p><u>List main policies relied upon.</u></p> <p>Sherford Area Action Plan policies SNC4 &amp; 11</p> <p>North Plymstock Area Action Policies NP05.11 &amp; 1</p>	<p>Yes.</p> <p><u>List other planning merits.</u></p>	<p>Yes.</p> <p><u>Explanation.</u></p> <p>The obligation is directly related to the development in that it is required to meet the needs arising from the development</p>	<p>Yes.</p> <p><u>Explanation.</u></p> <p>The obligation is considered both fair and reasonable in meeting the needs arising from the development, being based on equivalent provision elsewhere in Devon.</p>
	<p>Sherford Area Action Plan policies SNC4 &amp; 11</p> <p>North Plymstock Area Action Policies NP05.11 &amp; 1</p>		<p>The obligation is directly related to the development in that it is required to meet the needs arising from the development</p>	<p>The obligation is considered both fair and reasonable in meeting the needs arising from the development, being based on equivalent provision elsewhere in Devon.</p>



Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
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<p>C15 To pay to the County Council £10,000 per annum to cover the delivery of a temporary mobile library facility in the initial development phases until a permanent library is established.</p> <p>C16b To provide permanent accommodation in the Town Hall, Library &amp; Information Centre or other location approved by the Appropriate Authority for the collection and display of archaeological and other historical artefacts found in or on the Development Site and historical archives directly related to the Development Site.</p>	<p>NP05.11 &amp; 1</p> <p>Plymouth Core Strategy CS33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>	<p>Yes.</p> <p><u>List other planning merits:</u></p> <ul style="list-style-type: none"> <li>o</li> </ul>	<p>Yes.</p> <p><u>Explanation:</u> The obligation is directly related to the development in that it is required to meet the needs arising from the development.</p>	<p>Yes.</p> <p><u>Explanation:</u> The obligation is considered both fair and reasonable in meeting the needs arising from the development, being based on equivalent provision elsewhere in Devon.</p>
	<p>Sherford Area Action Plan policies SNC4 &amp; 16</p> <p>North Plymouth Area Action Policies NP05.11 &amp; 1</p> <p>Plymouth Core Strategy CS33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p> <p>Sherford Area Action Plan policies SNC10</p> <p>North Plymouth Area Action Policies NP05.11 &amp; 1</p>	<p>Yes.</p> <p><u>List other planning merits:</u></p> <ul style="list-style-type: none"> <li>o</li> </ul>	<p>The obligation is directly related to the development in that it is required to provide interpretation of the historical significance of the site, including that generated through the archaeological work directly associated with the development.</p>	<p>The obligation is considered both fair and reasonable in providing information on the site arising from the development works.</p>
<p>C17 To provide or pay the following:</p> <ul style="list-style-type: none"> <li>• To pay to DCC a sum of £750,000 as a proportionate, off-site, contribution towards the construction or up-grading of an appropriate recycling facility.</li> <li>• To provide by the 3,001st dwelling completion fully serviced land of 0.5 ha capable of accommodating a Community Re-use and Repair Centre</li> </ul>	<p>Sherford Area Action Plan policies SNC4 &amp; 5</p> <p>North Plymouth Area Action Policies NP05.41</p>	<p>Yes.</p> <p><u>List other planning merits:</u></p> <ul style="list-style-type: none"> <li>o</li> </ul>	<p>Yes.</p> <p><u>Explanation:</u> The obligation is directly related to the development in that it is required to mitigate the impacts of the development, during its use.</p>	<p>Yes.</p> <p><u>Explanation:</u> The obligation is considered both fair and reasonable in meeting the needs arising from the development, based on standards of provision elsewhere in Devon.</p>



Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of other planning merits of the case?			
<p>and to pay the District Council £100,000 to cover the cost of construction, or to provide on the site, a suitable building for the Centre for carrying out repairs and the storage of re-usable items</p> <ul style="list-style-type: none"> <li>• If required on-site to construct a fit for purpose ground maintenance building and facility available to coincide with the transfer of responsibility of the ongoing ground maintenance to the Community Trust, Management Company or Relevant Council as agreed. Alternatively to pay the Relevant Council £250,000 to be used for the delivery of an off-site grounds maintenance building in a nearby location capable of serving the grounds maintenance needs of Sherford and the Community Park.</li> </ul> <p>CT1 The scope of the constitution and management structure and terms of reference and responsibilities of the Community Trust and the Management Company will be agreed prior to commencement of development and defined in detail prior to the commencement of the first dwelling. The Broad Principles of the Constitution are attached to the agreement as an Appendix.</p> <p>CT2 The Community Trust shall be</p>		<p>Sherford Area Action Plan policies SNCI</p> <p>North Plymstock Area Action Policies NP05.15 &amp; 1</p>	<p>The obligation is directly related to the development in that it is required to ensure the management provisions and local governance are secured to continue to meet the needs arising from the development</p>	<p>The obligation is considered both fair and reasonable in securing the long term management of the facilities required to meet the needs arising from the development, being based on budget and provision elsewhere nationally.</p>
	Yes .	Yes .	Yes .	Yes .

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	List other planning merits.		
operational prior to the first residential occupation.	<p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC1 &amp; 16</p> <p>North Plymstock Area Action Policies NP05.15 &amp; 1</p>		<p><u>Explanation.</u> The obligation is directly related to the development in that it is required to ensure the management provisions are secured to continue to meet the needs arising from the development</p>	<p><u>Explanation.</u> The obligation is considered both fair and reasonable in securing the long term management of the facilities required to meet the needs arising from the development, being based on budget and provision elsewhere nationally.</p>
<p>CT3 The membership of the Community Trust Board will, from time to time, be agreed and defined by the Community Trust. It is likely that the membership could be drawn from the following organisations/bodies:</p> <ul style="list-style-type: none"> <li>(a) the landowner and developer</li> <li>(b) South Hams District Council</li> <li>(c) Devon County Council</li> <li>(d) Plymouth City Council</li> <li>(e) Brixton Parish Council (until role passes to new Town Council)</li> <li>(f) Sherford Town Council</li> <li>(g) Residents and property owners of Sherford</li> <li>(h) Neighbourhood Community Representatives</li> <li>(i) Other individuals bringing necessary skills and abilities (eg. Education Heads)</li> </ul>	<p>Sherford Area Action Plan policies SNC1</p> <p>North Plymstock Area Action Policies NP05.15 &amp; 1</p>		<p>The obligation is directly related to the development in that it is required to ensure the management provisions are secured to continue to meet the needs arising from the development</p>	<p>The obligation is considered both fair and reasonable in securing the long term management of the facilities required to meet the needs arising from the development, being based on budget and provision elsewhere nationally.</p>
<p>CT5 To pay from the first dwelling completion an appropriate level of funding to the Community Trust to cover the initial operating overhead of the Trust and employ staff currently agreed at £910,000, as required, to promote the following aspects of the community:</p> <ul style="list-style-type: none"> <li>(a) Sustainable living (Green Travel,</li> </ul>	<p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC1</p> <p>North Plymstock Area Action Policies NP05.15 &amp; 1</p>	<p>Yes .</p> <p><u>List other planning merits.</u></p>	<p>Yes .</p> <p><u>Explanation.</u> The obligation is directly related to the development in that it is required to ensure the management provisions are secured to continue to meet the needs arising from the development</p>	<p>Yes .</p> <p><u>Explanation.</u> The obligation is considered both fair and reasonable in securing the long term management of the facilities required to meet the needs arising from the development, being based on budget and provision elsewhere</p>

<p><b>Obligation</b></p> <p>Recycling, Conservation etc)                  (b) Waste re-use, repair, and recycling                  (c) Economic development and job creation                  (d) Community asset management                  (e) Community development                  (f) Travel plan co-ordination</p> <p>CT6 To appoint a Travel Plan Coordinator (in conjunction with HW12a) whose role is (but not exhaustively)</p> <ul style="list-style-type: none"> <li>To work with the highway authorities and neighbouring large developments to ensure all forms of transport are available and coordinated</li> <li>Monitoring and measuring trips undertaken by employees, visitors and residents of Sherford</li> <li>Advising on personalised travel planning, cycle use and car sharing and arranging for all necessary publicity</li> <li>Working with and actioning of (where appropriate) any requirements of the Transport Advisory Group (TAG) as defined by the FTP and as described in HW12a, as well as devising a car parking strategy, and consequent orders, parking charges (if relevant) etc.</li> <li>Facilitating a mechanism for the FTP to evolve</li> </ul> <p>PS1                  To pay to the District Council £10,000</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p> <p>Sherford Area Action Plan policies SNC1 &amp; 7</p> <p>North Plymstock Area Action Policies NP05. 1</p>		<p><b>Test B. Is the obligation directly related to the development?</b></p> <p>The obligation is directly related to the development in that it is required to ensure that the travel patterns minimise the transport and environmental impact arising from the development</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p>nationally.</p> <p>The obligation is considered both fair and reasonable in securing the long term management of the facilities required to meet the needs arising from the development, being based on budget and provision elsewhere nationally.</p>
	<p>Yes .</p>		<p>Yes .</p>	<p>Yes .</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
<p>per annum for 12 years from the grant of outline permission in respect of the provision of staff resources to ensure availability to monitor the S.106 Agreement and process applications and decisions.</p> <ul style="list-style-type: none"> <li>• Sherford Review Panel</li> </ul> <p>To pay to the District Council £20,000 per annum for 12 years to appoint an urban design specialist to sit on the Sherford Review Panel to assist with the review of compliance of development with the Town Code and the review of those Codes. To pay £10,000 to the District Council to offset the costs of setting up and organising the Sherford Review Panel.</p>	<p>List main policies relied upon.</p> <p>Sherford Area Action Plan policies SNC1</p>	<p>List other planning merits.</p> <p>o</p>	<p><b>Explanation.</b> The obligation is directly related to the development in that it is required to ensure implementation is undertaken in an acceptable manner.</p>	<p><b>Explanation.</b> The obligation is considered both fair and reasonable to ensure ongoing monitoring can take place.</p>
<p>PS2 To pay up to a total of £61,168 to engage an appropriate body to independently assess the sustainability performance of the planning application and development at the end of phases 1, 2 and 3.</p>	<p>Sherford AAP Policies SNC 3 Sherford Area Action Plan policies SNC2</p>		<p>The obligation is directly related to the development in that it is required to ensure appropriate expertise is provided to secure appropriate implementation of the Town Code.</p>	<p>The obligation is considered both fair and reasonable to ensure ongoing monitoring can take place.</p>
<p>PS3 To pay up to £50,000 for the creation of, and first elections to, a new</p>				

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	List other planning merits.		
<p>Town Council together with additional administrative support costs for Brixton Parish Council in the interim arising from the Development.</p>	<p>List main policies relied upon. Sherford Area Action Plan policies SNC1</p>	<p>BRE Assessment</p>	<p><b>Explanation.</b> The obligation is directly related to the development in that it is required to resource the additional local government administration required to cover the burden generated by the development over the course of the development.</p>	<p><b>Explanation.</b> The obligation is considered both fair and reasonable to resource the additional local government administration over the course of the development, being based on equivalent costs in Devon.</p>
<p>E1 To provide on-site renewable energy sources by the end of phase 4 to deliver 50% of Sherford's overall electrical energy requirement. The proposal in order to deliver this requirement is the erection of 2 x 120m (total height) wind turbines, the first in phase 1 will be provided by the Owners. The net income from this turbine will be reinvested into the Community. Should it be viable or receive sufficient grant or other funding to make it viable, the second turbine will be required in phase 3. In the event that all necessary planning permissions are not granted for the above wind turbines or if the second turbine cannot be provided on a self-funding and/or commercial basis, there shall be a review of the Energy Strategy to establish a revised renewable energy target achievable by alternative technology at the same cost to the developer. Any review of the target shall look to maximise the provision of renewable energy generated on site and to increase the opportunity for funding of renewable energy generation capacity through the</p>	<p>Sherford Area Action Plan policies SNC2 &amp; 5 North Plymstock Area Action Policies NP05.44 &amp; 1 Plymouth Core Strategy policy CS20</p>	<p>BRE Assessment</p>	<p>The obligation is directly related to the development in that it is required to mitigate the climate impacts of the development, and subsidise the management during its use.</p>	<p>The obligation is considered both fair and reasonable to mitigate the impacts of the climate change and subsidise the management during its use.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
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<p>securing of appropriate grant funding and/or commercial support. The Owners will also use reasonable endeavours to set up an energy services company (ESCO) to manage the energy delivery at the development.</p> <p>E2 All housing shall achieve an Eco-Homes 'Excellent' rating; other buildings shall achieve a BREEM 'Excellent' rating.</p> <p>E4 To construct all of the buildings at Sherford to achieve at a minimum the following Carbon Reduction Targets (phrased as minimum CO2 emission rate reduction compared to 2006 Part L Building Regulations):</p> <ul style="list-style-type: none"> <li>• Stage 1 (0-2,300 dwellings) 25%</li> <li>• Stage 2 (2,301- 4,000 dwellings) 35%</li> <li>• Stage 3 (4,001 – 5,000 dwellings) 50%</li> <li>• Stage 4 (5,001 plus dwellings) 60%</li> </ul> <p>E5 To provide throughout the development infrastructure in the form of ducts and fibre optics into every building to ensure that each building has cabling for 'Hi-band' high bandwidth communication (being significantly faster transmission rates than current broadband standard) and service delivery (including phone, internet, television, video and interactive services).</p>	<p>Yes.</p> <p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC2                      North Plymouth Area Action Policies NP05.3                      Plymouth Core Strategy CS20                      Sherford Area Action Plan policies SNC2                      North Plymouth Area Action Policies NP05.3                      Plymouth Core Strategy CS20</p> <p>Yes.</p> <p><b>List other planning merits.</b>                      BRE Assessment                      BRE Assessment</p>	<p>Yes.</p> <p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to mitigate the environmental impacts of the development.</p> <p>The obligation is directly related to the development in that it is required to mitigate the environmental impacts of the development.</p>	<p>Yes.</p> <p><b>Explanation.</b>                      The obligation is considered both fair and reasonable to mitigate the impacts of the development.</p> <p>The obligation is considered both fair and reasonable to mitigate the impacts of the development.</p>	
	<p>Yes.</p> <p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC5                      North Plymouth Area Action Policies NP05.43</p> <p>Yes.</p> <p><b>List other planning merits.</b></p>	<p>Yes.</p> <p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to meet the needs of the development.</p>	<p>Yes.</p> <p><b>Explanation.</b>                      The obligation is considered both fair and reasonable to meet the needs of the development.</p>	

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
<p>E6 To build and provide (prior to the 1st residential occupation) and to enhance and develop in phase with the development a community intranet facility and website providing portal links to content of stakeholders, service providers and the community itself as well as hosting information for residents on topics, including:</p> <ul style="list-style-type: none"> <li>• Welcome / orientation information for new residents</li> <li>• Sustainable Transport options</li> <li>• Local services including health, education and local authority service interaction</li> <li>• Local business and jobs including a Sherford Business portal</li> <li>• Recycling and waste collection</li> <li>• Local events</li> <li>• Activities and decisions of the Community Trust and Town Council</li> <li>• Profile of community facilities available within Sherford, including details of access etc</li> <li>• Progress of the Sherford development and communications with the developer</li> </ul>	<p>Sherford Area Action Plan policies SNCI</p>	<p>North Plymstock Area Action Policies NP05.1 &amp; 11</p>	<p>The obligation is directly related to the development in that it is required to promote sustainable patterns of behaviour to reduce the impacts of the development.</p>	<p>The obligation is considered both fair and reasonable to promote sustainable patterns of behaviour to reduce the impacts of the development.</p>
<p>E7 To transfer, at no cost the intranet facility and website to the Management Company / Community Trust and at such time make available funding required for the purposes of ongoing operational management/maintenance to the end of the development period.</p>	<p>Sherford Area Action Plan policies SNCI</p>	<p>North Plymstock Area Action Policies NP05.1 &amp; 15</p>	<p>The obligation is directly related to the development in that it is required to promote sustainable patterns of behaviour to reduce the impacts of the development.</p>	<p>The obligation is considered both fair and reasonable to promote sustainable patterns of behaviour to reduce the impacts of the development.</p>
<p>E8 To make available 0.25ha of serviced land for a Research and Development (R&amp;D) Centre from the</p>	<p>Sherford Area Action Plan policies</p>		<p>The obligation is directly related to the development in that it is required to</p>	<p>The obligation is considered both fair and reasonable to ensure development</p>



<p><b>Obligation</b></p> <p>commencement of the 301st dwelling, to provide the opportunity for research into advances in construction and technology throughout the period of development to ensure the appropriate use of materials, technologies and methods to inform ongoing development. The R&amp;D Centre may relocate through phases of development subject to the agreement of all parties. Relocation costs shall be borne by the initiator of the move.</p> <p>DC1 A review mechanism shall be agreed allowing for the evolution and refinement of the Town Code. This shall include the establishment prior to the first Reserved Matters Application of the Sherford Review Panel (SRP). The membership of the SRP will comprise the three local authorities (Devon, South Hams and Plymouth), Red Tree as the town developer and an urban design specialist (The Prince's Foundation for the Built Environment)</p> <p>DC2 Detailed Design Codes shall be prepared for all areas which are the subject of Reserved Matters applications pursuant to the outline permission. Detailed Design Codes shall be prepared in general accordance with the Town Code and general urban form defaulting to the Town Plan unless otherwise agreed as appropriate through the Design Code process. The Detailed Design Code shall be submitted to the SRP for certification of compliance with the Town Code. In</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p> <p>SNC2</p> <p>North Plymstock Area Action Policies NP05.1 &amp; 11</p>		<p><b>Test B. Is the obligation directly related to the development?</b></p> <p>ensure development can adopt improved sustainable practices over the course of its construction phases to reduce the impacts of the development.</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p>can adopt improved sustainable practices over the course of its construction phases to reduce the impacts of the development.</p>
<p>DC1 A review mechanism shall be agreed allowing for the evolution and refinement of the Town Code. This shall include the establishment prior to the first Reserved Matters Application of the Sherford Review Panel (SRP). The membership of the SRP will comprise the three local authorities (Devon, South Hams and Plymouth), Red Tree as the town developer and an urban design specialist (The Prince's Foundation for the Built Environment)</p> <p>DC2 Detailed Design Codes shall be prepared for all areas which are the subject of Reserved Matters applications pursuant to the outline permission. Detailed Design Codes shall be prepared in general accordance with the Town Code and general urban form defaulting to the Town Plan unless otherwise agreed as appropriate through the Design Code process. The Detailed Design Code shall be submitted to the SRP for certification of compliance with the Town Code. In</p>	<p><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC3</p> <p>North Plymstock Area Action Policies NP05.6</p> <p>Sherford Area Action Plan policies SNC3</p> <p>North Plymstock Area Action Policies NP05.6</p>	<p><b>Yes .</b></p> <p><b>List other planning merits.</b></p> <p>Sherford EbD</p>	<p><b>Yes .</b></p> <p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to provide flexibility to review the detailed approach to delivery of development</p> <p>The obligation is directly related to the development in that it is required to ensure the development complies with the Town Code</p>	<p><b>Yes .</b></p> <p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable to provide flexibility to review the detailed approach to delivery of development.</p> <p>The obligation is considered both fair and reasonable to ensure the development complies with the Town Code.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
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<p>accordance with the approved Detailed Design Code the applicant shall then prepare the relevant Reserved Matters Application. In the event that the Detailed Design Code is not certified compliant by the SRP then the applicant will be required to revise and resubmit the Detailed Design Code or, submit the Reserved Matters application with a certificate of non-compliance issued by the SRP or submit the Reserved Matters application with a statement that the SRP has failed to issue a certificate within the specified time.</p> <p>DC3 To pay the cost of engaging an independent authoritative urban design body to sit on the SRP and to pay for the setting up and organising of the Panel, all using appropriate funds specifically identified in PSI.</p> <p>HW1 To contribute £11,800,000 (the Major Works Contributions) which will fund significant transport infrastructure works in the east of Plymouth and including as necessary further work to Deep Lane Junction and improvements on the A379 and A374 to facilitate the new HQPT service. Phasing will be in accordance with the requirements of the programme of works delivered in consultation with the Owners.</p>	<p><b>Yes .</b></p> <p><u>List main policies relied upon.</u>                      Sherford Area Action Plan policies SNC3                      North Plymstock Area Action Policies NP05.6                      Sherford Area Action Plan policies SNC7                      North Plymstock Area Action Policies NP05.34, NP07, NP09, NP08                      Plymouth Core Strategy policies CS27, 28, 33 &amp; 34</p>	<p><b>Yes .</b></p> <p><u>List other planning merits.</u>                      Plymouth Infrastructure Needs Assessment                      Plymouth's third Local Transport Plan (LTP3)                      Eastern Corridor Study                      Plymouth Strategic High Quality Public Transport (HQPT) Network</p>	<p><b>Yes .</b></p> <p><u>Explanation.</u>                      The obligation is directly related to the development in that it is required to ensure the development complies with the Town Code</p> <p>The obligation is directly related to the development in that it is required to address the transport impacts of the proposal on the wider transport network between the site and City Centre which experiences congestion throughout the day. The contribution will assist in the delivery of the Eastern Corridor scheme which is required to support new development in the corridor as proposed in the NPAAP and deliver the trip rates forecast in the Transport Assessment.</p>	<p><b>Yes .</b></p> <p><u>Explanation.</u>                      The obligation is considered both fair and reasonable to ensure the development complies with the Town Code.</p> <p>The obligation is considered both fair and reasonable because the calculation is based on the development impact of the proposal. The contribution is directly related to the trip generation of this site and has been calculated on a similar basis to other site(s) in the corridor.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
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<p>HW2 To carry out improvement works to Stanborough Cross junction and Haye Road and to complete the same before the occupation of the 6th dwelling.</p> <p>HW.3.</p> <ul style="list-style-type: none"> <li>• <b>Red Lion Hill</b> - To pay up to £75,000 prior to the commencement of the 1,201<sup>st</sup> dwelling to the County Council to provide safety improvements at and in the vicinity of the junction of Red Lion Hill and the A379.</li> <li>• <b>Bullers Hill, Plympton</b> - To pay up to £25,000 to the County Council towards appropriate traffic management measures to be agreed by the County Council .</li> </ul>	<p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC7</p> <p>North Plymstock Area Action Policies NP05.35, NP07, NP09, NP08</p> <p>Plymouth Core Strategy policies CS27, 28, 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC7</p> <p>North Plymstock Area Action Policies NP05.34, 48 NP07, NP09, NP08</p>	<p><b>List other planning merits.</b>                      Plymouth Infrastructure Needs Assessment</p> <p>Plymouth Infrastructure Needs Assessment</p>	<p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to provide an appropriate access into the development and address the transport impacts of the proposal.</p> <p>The obligation is directly related to the development in that it is required to address the transport impacts of the proposal, , and in particular to mitigate the impact of additional development traffic on the wider highway network</p>	<p><b>Explanation.</b>                      The obligation is considered both fair and reasonable because required to provide an appropriate access into the development and address the transport impacts of the proposal.</p> <p>The obligation is considered both fair and reasonable because the basis of the calculation is based on the development impact of the proposal.</p>
<p>HW4 To either deliver the cycle and pedestrian links described in a) to e) below or set aside and pay the following sums to the highways authorities for:</p> <ul style="list-style-type: none"> <li>a) £100,000 for the connection from the Community Park to the National Cycle Network (NCN 2) (Sherford / Railway link connection).</li> <li>b) £55,000 for the improvement of NCN2 west of the connection described in (a) above (Dawes Lane)</li> <li>c) £100,000 for the improvement of NCN2 and associated links east of the connection described in (a) above (Eastward Works)</li> <li>d) £175,024 for the link between</li> </ul>	<p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC7</p> <p>North Plymstock Area Action Policies NP05.26, 31, 34, 35, 37, NP09,NP10, NP11</p> <p>Plymouth Core Strategy policies CS 28, 33 &amp; 34</p>	<p><b>List other planning merits.</b>                      Plymouth Infrastructure Needs Assessment</p> <p>Plymouth's third Local Transport Plan (LTP3)</p>	<p><b>Explanation.</b>                      The obligation is directly related to the development in that it is required to address the transport impacts of the proposal, and to ensure that safe access for cyclists and pedestrians is provided to the development</p>	<p><b>Yes .</b>  <b>Explanation.</b>                      The obligation is considered both fair and reasonable because the basis of the calculation is based on the development impact of the proposal.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of policy context?	In terms of other planning merits of the case?		
<p>Sherford and Saltram (Saltram Link) e) £300,000 for the North Elburton cycle and pedestrian link (North Elburton Connection)</p> <p>HW5 To provide / construct a) Traffic signals at the junction of the westbound on and off slip at Deep Lane before any construction commences on site (to assist the passage of construction traffic). b) Stages 1 and 2 of the Deep Lane Junction Improvements prior to the occupation of the 1301st dwelling. For the avoidance of doubt the Owners' obligations in regard to any improvements to Deep Lane Junction beyond stage 2 will be met in full by the payment of the Major Works Contribution.</p>	<p>Sherford Area Action Plan policies SNC7 &amp; 16</p> <p>North Plymouth Area Action Policies NP05.34, 48 NP07</p> <p>Plymouth Core Strategy policies CS27, 28, 33 &amp; 34</p>	<p>Plymouth Infrastructure Needs Assessment</p> <p>Plymouth's third Local Transport Plan (LTP3)</p> <p>Plymouth Strategic High Quality Public Transport (HOPT) Network</p>	<p>The obligation is directly related to the development in that it is required to provide improved access to the site from the Trunk Road network and to address the construction impact of the proposal.</p>	<p>The obligation is considered both fair and reasonable because the requirement is based on the provision of improved access to address the construction impact of the proposal. and to mitigate the traffic impact of the proposal on the trunk road network</p>
<p>HW7 a) To complete the Haye Road link, for construction access, prior to the occupation of the first dwelling (Main Street Phase 1). b) To complete and make available for use the Main Street between Haye Road and Brixton Road prior to the occupation of the 701st dwelling (Main Street Phase 2). c) To complete and make available for use the Main Street between Brixton Road and Deep Lane Junction before the occupation of the 1301st dwelling. d) Conversion of the centre of the High Street to Bus Lanes at a time agreed by TAG (a Transport Advisory Group as defined in the FTP – see HW1 2a).</p>	<p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC7 &amp; 16</p> <p>North Plymouth Area Action Policies NP05.34, 35, 48 NP07</p> <p>Plymouth Core Strategy policies CS27, 28, 33 &amp; 34</p>	<p><u>List other planning merits.</u></p>	<p>The obligation is directly related to the development in that it is required to provide safe and convenient access to the site from Elburton and to address the construction and development transport impact of the proposal.</p>	<p><b>Yes .</b> <b>Explanation:</b> The obligation is considered both fair and reasonable because the requirement is based on the provision of improved access to address the construction and development transport impact of the proposal.</p>

<p><b>Obligation</b></p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p>		<p><b>Test B. Is the obligation directly related to the development?</b></p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
	<p><b>In terms of policy context?</b></p>	<p><b>In terms of other planning merits of the case?</b></p>		
<p>HW8 To complete and make available for use;                      a) Stage 1 - a Park and Ride with a capacity of 500 spaces by the occupation of the 1,301st dwelling The Park and Ride site shall have an appropriate range of associated facilities which will be constructed and available for use in step with the new community and the growth of patronage of the Park and Ride site.                      b) Stage 2 - a Park and Ride with a maximum capacity of up to 1,000 cars. The capacity of the Park &amp; Ride site shall be monitored and Stage 2 shall be delivered in line with the growth of patronage of the Park and Ride site or by the commencement of Phase 4 of the Development whichever is sooner.</p>	<p>Sherford Area Action Plan policies SNC7 &amp; 16                      North Plymouth Area Action Policies NP05.34, 35 NP07                      Plymouth Core Strategy policies CS27, 28, 33 &amp; 34</p>	<p>Plymouth Infrastructure Needs Assessment                      Plymouth's third Local Transport Plan (LTP3)                      Plymouth Strategic High Quality Public Transport (HQPT) Network</p>	<p>The obligation is directly related to the development in that it is required to mitigate the transport impacts of the proposal on the local highway network and on the Trunk Road.</p>	<p>The obligation is considered both fair and reasonable because the requirement is based on the provision of a Park and Ride site the need for which is generated by this proposal in that it removes traffic from the wider highway network.</p>
<p>HW10 To make available to the City Council a Public Transport and Sustainability Contingency Fund of £3,941,363 in support of a three phase public transport strategy to enable the introduction of a sustainable Public Transport provision at Sherford culminating in an HQPT bus service from Deep Lane Park &amp; Ride through Stanborough Cross to Plymouth city centre:                      1. Phase one being an hourly service (expected to be the diversion of an existing bus service through the Sherford development) on a route from Langage through to the City Centre from the 51st Occupation 2. Phase Two being a 20 min (target) to 30 min (minimum) bus service (either a new</p>	<p><b>List main policies relied upon.</b>                      Sherford Area Action Plan policies SNC7 &amp; 16                      North Plymouth Area Action Policies NP05.34, 35 NP07NP08                      Plymouth Core Strategy policies CS27, 28, 33 &amp; 34</p>	<p><b>List other planning merits.</b>                      Plymouth Infrastructure Needs Assessment                      Plymouth's third Local Transport Plan (LTP3)                      Plymouth Strategic High Quality Public Transport (HQPT) Network</p>	<p>The obligation is directly related to the development in that it is required to address the transport impact of the development. The provision of high quality public transport is considered essential to the delivery of this proposal. The contingency is required to support the uncommercial elements of providing such a bus service between the site, Elburton and the City Centre.</p>	<p><b>Yes .</b>  <b>Explanation.</b>                      The obligation is considered both fair and reasonable because the calculation is based on the development impact of the proposal. The obligation is required to ensure the site is adequately served by public transport in accordance with AAP policies. The contribution covers the likely cost of providing such a service until the service becomes commercially viable.</p>

Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
	In terms of other planning merits of the case?			
<p>bus service or the extension of the Phase One service (if appropriate) originating in Sherford on the same route commencing from the 300th dwelling unless agreed otherwise with the City Council</p> <p>3. Phase Three being a full HQPT service including:</p> <p>a. A public transport service operating from 6am through to 7pm Monday to Friday linking the Sherford Park and Ride with the City Centre with a frequency of 10 minutes.</p> <p>b. A public transport service from 6am to 11 pm Monday to Saturday and 9am to 7pm on Sunday linking Sherford to the City Centre</p>		<p>Sherford Area Action Plan policies SNC7</p> <p>North Plymstock Area Action Policies NP05.34, 35 NP07, NP08</p> <p>Plymouth Core Strategy policies CS 28, 33 &amp; 34</p>	<p>Plymouth Infrastructure Needs Assessment</p> <p>The obligation is directly related to the development in that it is required to address the transport impact of the proposal, in particular on the Trunk Road network.</p>	<p>The obligation is considered both fair and reasonable because the basis of the calculation is based on the transport impact of the proposal.</p>
<p>HW12a To make available a sum of</p>		<p>Yes .</p>	<p>Yes .</p>	<p>Yes .</p>



<p><b>Obligation</b></p> <p>£420,000 to support measures to promote use of alternatives to the car (or less/more efficient use of cars) by residents of Sherford in accordance with a Framework Travel Plan (attached as an appendix to this agreement). Such Plan will promote modal shift in the event that trip rates using cars are exceeding those provided for in the Sherford Transport Assessment. These funds, as required, should be utilised on the following potential initiatives (but not exhaustively listed)</p> <ul style="list-style-type: none"> <li>• Public transport information terminals</li> <li>• Public transport revenue support</li> <li>• Any other initiatives as agreed between the Owners and the highways authorities, including parking charging, Orders, and the cost of implementing same</li> <li>• Any other matters arising from the FTP not covered by CT5 and CT6.</li> <li>• Smart Cards</li> <li>• Extension of Real Time passenger information</li> <li>• Discounted public transport tickets</li> </ul> <p>The Owners will make a separate contribution of £60,000 towards the establishment and promotion of a Sherford Car Club (including for instance the funding of any householder who wishes to become a member of the Car Club at a discount).</p> <p>HW12b A contingency fund of £500,000 (called the Additional Onsite Bus Measures sum) shall be made available for physical highway alterations within Sherford to mitigate effects of</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p> <p><u>List main policies relied upon.</u></p> <p>Sherford Area Action Plan policies SNC7</p> <p>North Plymouth Area Action Policies NP05.1, 33, NP07</p> <p>Plymouth Core Strategy policies CS 28, 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC7</p>	<p><b>Test B. Is the obligation directly related to the development?</b></p> <p><u>Explanation.</u></p> <p>The obligation is directly related to the development in that it is required to address the transport impact of the proposal and to ensure that the development delivers the mode share as set out in the Transport Assessment.</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p><u>Explanation.</u></p> <p>The obligation is considered both fair and reasonable because the basis of the calculation is based on the transport impact of the proposal.</p>
		<p>The obligation is directly related to the development in that it is required to</p>	<p>The obligation is considered both fair</p>



Obligation	Test A. Is the obligation necessary to make the development acceptable in planning terms? In terms of policy context? In terms of other planning merits of the case?		Test B. Is the obligation directly related to the development?	Test C. Is the obligation fairly & reasonably related in scale and kind to the development?
<p>extra traffic generated by Sherford or delay to the bus.</p> <p>CF1 A Public Access and Management Regime, including details of community access, shall be submitted for each community facility (which includes community buildings, open space, sport and recreation facilities) with the Reserved Matters application for that community facility. Laying out and/or construction of such facility shall not commence until such management regime has been approved in writing by the Relevant Council</p> <p>CF2 The Owners / Management Entity will retain ownership of and therefore management responsibilities for the community facilities, unless otherwise agreed by the Relevant Council.</p> <p>CF3 Provision for the adoption by the Relevant Council of a community facility shall be subject to:</p> <ul style="list-style-type: none"> <li>• agreement to the principle and terms of such adoption by the Relevant Council; and</li> <li>• payment of such appropriate committed sums as the Relevant Council may agree.</li> </ul> <p>CF4 Provision for the transfer of a</p>	<p>Yes.</p> <p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC1,4,5,8,9 &amp; 10</p> <p>North Plymouth Area Action Policies NP05.1,15, 48</p>	<p>Yes.</p> <p><u>List other planning merits.</u></p> <ul style="list-style-type: none"> <li>○</li> </ul>	<p>Yes.</p> <p><u>Explanation.</u> The obligation is directly related to the development in that it is required to ensure that each community facility provided to meet the needs of the development will have the appropriate access and management arrangements.</p>	<p>Yes.</p> <p><u>Explanation.</u> The obligation is considered both fair and reasonable to ensure that each community facility provided to meet the needs of the development will have the appropriate access and management arrangements.</p>
<p>CF3 Provision for the adoption by the Relevant Council of a community facility shall be subject to:</p> <ul style="list-style-type: none"> <li>• agreement to the principle and terms of such adoption by the Relevant Council; and</li> <li>• payment of such appropriate committed sums as the Relevant Council may agree.</li> </ul> <p>CF4 Provision for the transfer of a</p>	<p>Yes.</p> <p><u>List main policies relied upon.</u> Sherford Area Action Plan policies SNC1,4,5,8,9 &amp; 10</p> <p>North Plymouth Area Action Policies NP05.1,15</p> <p>Sherford Area Action Plan policies</p>	<p>Yes.</p> <p><u>List other planning merits.</u></p> <ul style="list-style-type: none"> <li>○</li> </ul>	<p>Yes.</p> <p><u>Explanation.</u> The obligation is directly related to the development in that it is required to ensure that each community facility provided will have the appropriate management arrangements.</p>	<p>Yes.</p> <p><u>Explanation.</u> The obligation is considered both fair and reasonable to ensure that each community facility provided will have the appropriate management arrangements.</p>

<p><b>Obligation</b></p> <p>community facility to a Management Entity / Community Trust shall be subject to:</p> <ul style="list-style-type: none"> <li>• agreement by the Relevant Council to the identity of the Management Entity / Community Trust and the principle and terms of such transfer;</li> <li>• agreement of the Management Entity / Community Trust to the transfer; and</li> <li>• payment of such appropriate commuted sums as the Relevant Council may approve</li> </ul>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p> <p>SNC1,4,5,8,9 &amp; 10</p> <p>North Plymouth Area Action Policies NP05.1,15</p>		<p><b>Test B. Is the obligation directly related to the development?</b></p> <p>development in that it is required to ensure that each community facility provided will have the appropriate management arrangements</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p>The obligation is considered both fair and reasonable to ensure that each community facility provided will have the appropriate management arrangements.</p>
<p>EC3 The Owners shall use Reasonable Endeavours to facilitate the provision at Sherford of a managed workspace facility (of at least 390 sq m) to allow local business start up and development before the commencement of the 2,300th dwelling. This shall include a range of unit sizes, flexible leasehold arrangements and a range of business support and device services and common use areas. Such flexible serviced work space shall (unless otherwise agreed) be made available at market rent.</p> <p>EC5 To facilitate structured skills training on site and in local training centres in the City and the District for residents of and school leavers within the Plymouth travel to work area in the construction process and in specialist construction areas in accordance with a scheme of implementation and monitoring approved in writing by the District Council and City Council prior</p>	<p><b>Yes .</b></p> <p><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC8</p> <p>North Plymouth Area Action Policies NP05.1, 10</p> <p>Sherford Area Action Plan policies SNC8</p> <p>North Plymouth Area Action Policies NP05.1, 9 &amp; 10</p>	<p><b>Yes .</b></p> <p><b>List other planning merits.</b></p>	<p><b>Yes .</b></p> <p><b>Explanation.</b></p> <p>The obligation is directly related to the development in that it is required to meet the needs of the new development.</p> <p>The obligation is directly related to the development in that it meets and reasonable to ensure that it meets the needs of the new development, and is based on equivalent provision in Devon.</p>	<p><b>Yes .</b></p> <p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable to ensure that it meets the needs of the new development, and is based on equivalent provision in Devon.</p>

<p><b>Obligation</b></p> <p>to the commencement of development.          To pay a contribution of £250,000 to the Relevant Bodies for this purpose. (Relevant Bodies to be defined to include CITB, Plymouth CFE, and SDC.). Such contribution to be phased as defined by the scheme.          The scheme shall define the manner in which the Owners will use reasonable endeavours to ensure that all contractors employed in the construction of the approved development operate apprenticeship training schemes during the life of their contracts.          The scheme shall define the manner in which the Owners will use reasonable endeavours to ensure that where possible contractors employed in the construction of the approved residential development employ building trainees under the age of 25 to a minimum of NVQ Level 2 or equivalent from the administrative areas of Plymouth City Council and South Hams District Council.          The Scheme will also identify mechanisms by which the Owners will provide appropriate support services for migrant workers. Records shall be kept to monitor the success of the scheme.</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p> <p><b>In terms of other planning merits of the case?</b></p>		<p><b>Test B. Is the obligation directly related to the development?</b></p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
	<p>Yes.</p>		<p>Yes.</p>	<p>Yes.</p>

<p><b>Obligation</b></p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p>		<p><b>Test B. Is the obligation directly related to the development?</b></p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p>
<p>to the occupation of the 700th dwelling, occupation of the 2,200th dwelling and again prior to the occupation of the 3,700th dwelling. This shall consider: the Masterplan, Phasing, Housing mix (including wheelchair accessible), Design Codes, Travel Plan, the provision of Open Space, the Sustainability Assessor's report and retail and leisure floor space provision, the progress against delivery requirements of Education and Health provision and of Transport matters. The review shall have due regard to the relevant Housing Market and Needs Assessment and supplementary updates. The Reviews will also cover the relevant changes in legislation and policy affecting the standard of development. The purpose of the review will be to assess their implementation to date and relevance to future needs and those documents which may be amended by the agreement of all Parties, at which time clauses within the Section 106 Agreement may need to be varied.</p> <p>RM2 To carry out or fund monitoring work (covered by contributions towards professional services in PSI above) reasonably required in preparation for Review and where needed to inform planning conditions or S.106 clauses.</p> <p><b>GI Bonds</b> To provide Adequate Security in the</p>	<p><b>In terms of policy context?</b></p> <p>List main policies relied upon. Sherford Area Action Plan policies SNC1 &amp; 17  North Plymouth Area Action Policies NP05.1, 9 &amp; 10</p>	<p><b>In terms of other planning merits of the case?</b></p> <p>List other planning merits.</p>	<p><b>Explanation.</b> The obligation is directly related to the development in that it is required to provide flexibility to review the detailed approach to delivery of development</p> <p>The obligation is considered both fair and reasonable to provide flexibility to review the detailed approach to delivery of development.</p>	<p><b>Explanation.</b> The obligation is considered both fair and reasonable to provide flexibility to review the detailed approach to delivery of development.</p> <p>The obligation is considered both fair and reasonable to review the progress in delivery of development.</p>
<p><b>Yes.</b></p>			<p><b>Yes.</b></p>	<p><b>Yes.</b></p>

<p><b>Obligation</b></p> <p>form of Bonds or Charges over land for due performance of the planning obligations imposed by this Agreement in respect of such Development as are described in the Security Table appendix in a form approved by the relevant council.</p> <p><b>G2 Costs and consultancy expenses</b></p> <p>To pay the reasonable and proper external legal costs and disbursements of SHDC PCC and DCC incurred in connection with the negotiation and completion of the s106 Agreement.</p> <p>To pay the local authorities' costs of Viability work required to conclude the S.106.</p>	<p><b>Test A. Is the obligation necessary to make the development acceptable in planning terms?</b></p> <p><b>In terms of policy context?</b></p> <p><u>List main policies relied upon.</u></p> <p>Sherford Area Action Plan policies SNC1, 2, 4, 5, 6, 7, 8, 9, 10 &amp; 16</p> <p>Sherford Area Action Plan policies SNC1 &amp; 17</p>		<p><b>Test B. Is the obligation directly related to the development?</b></p> <p><u>Explanation.</u></p> <p>The obligation is directly related to the development in that it is required to safeguard the delivery of the obligations required to meet the needs of development</p> <p>The obligation is directly related to the development in that it is required to ensure that obligations required to meet the needs of the development are properly secured.</p>	<p><b>Test C. Is the obligation fairly &amp; reasonably related in scale and kind to the development?</b></p> <p><u>Explanation.</u></p> <p>The obligation is considered both fair and reasonable to safeguard the delivery of the obligations required to meet the needs of development.</p> <p>The obligation is considered both fair and reasonable to ensure that the obligations required to meet the needs of the development are properly secured.</p>
<p><b>G3 Cascades/Alternative Expenditure Items</b></p> <p>If before repayment of any contribution made pursuant to this Agreement is due a Relevant Council considers it expedient to apply and expend unspent monies to other provision for which contributions have been made or for which contributions have been reduced or foregone for reasons of viability then such Council with the agreement of the Owners may apply such monies for such other provision, and such process may be repeated until such monies are exhausted.</p>	<p><b>Yes.</b></p> <p><u>List main policies relied upon.</u></p> <p>Sherford Area Action Plan policies SNC2, 4, 5, 6, 7, 8,9, 10</p> <p><b>Yes.</b></p> <p><u>List other planning merits.</u></p> <ul style="list-style-type: none"> <li>DTZ Viability Assessment (confidential)</li> </ul>		<p><b>Yes.</b></p> <p><u>Explanation.</u></p> <p>The obligation is directly related to the development in that it is required to ensure that all obligations required to meet the needs of the development can be secured.</p>	<p><b>Yes.</b></p> <p><u>Explanation.</u></p> <p>The obligation is considered both fair and reasonable to ensure that all obligations identified as being required to meet the needs of the development, mindful of current viability constraints, can be secured.</p>

## APPENDIX 6

Our ref: as below  
Your ref: 7\_49/0686/08/O & 08/00653/OUT,  
7\_49/2426/06/O & 06/02036/OUT

Alan Hartridge  
Development Consents  
Plymouth City Council  
Civic Centre  
Plymouth PL1 2AA

Ed Halford  
Asset Manager  
Level 1  
Ash House  
Falcon Road  
Sowton Industrial Estate  
Exeter EX2 7LB

Direct Line: 01392 312570

24 February 2012

Dear Mr Hartridge

### **A38(T): Sherford New Community**

I refer to previous correspondence in relation to the above planning application. Please find detailed below the Agency's current position in respect of the development and the acceptability of the associated traffic impact at the Deep Lane junction, on both the northern and southern side of the A38.

In 2006 a Transport Assessment (TA) was submitted as part of a planning application for the creation of a sustainable new town at Sherford. Following submission of the TA, further work was undertaken to support the document, resulting in the production of a number of Technical Notes.

A resolution to Grant was originally passed in April 2008, which was superseded in July 2009 by a further resolution to Grant subject to agreement of the S106. This was required in order to deliver a revised phasing strategy for the development. Discussions have since continued regarding the commitments and timeframes under the S106 agreement.

Recently concerns were raised by the Highway's Agency over the suitability of the traffic data used within the TA, due to the period of time since its original production. It was requested by the Agency that justification for the continued use of the base traffic data contained within the 2006 TA was provided, to confirm that the findings of the TA, which are based on this traffic data, are still considered valid. Specifically we stated:

*".....the traffic data on which the TA and its assumptions are based on dates from 2001-2006 and also that Government guidance indicates that a TA should include counts normally surveyed within the last three years. On that basis, it requires either that the TA is updated with fresh or appropriately recent data, or that your client submits a reasoned justification to demonstrate how recent data trends have moved in comparison with the TA assumptions and explain how the Agency can treat that data as valid and current"*

A Traffic Data Review was subsequently submitted by URS Scott Wilson in August 2011 which provided a review of the baseline data employed within the TA, in order to evaluate whether forecasts contained within the document were comparable to those based on updated data. The URS Scott Wilson review included a series of new traffic counts and

supporting information to provide justification for the continued appropriateness of the traffic data contained within the 2006 TA. A review of this report concluded that it is based on sound principles and that the TA forecasts can continue to provide a reliable indication of the future year assessment of the highway network.

The Sherford TA and its Addendum identified a number of proportionate upgrades to the existing highway network in order to deal with the external traffic generated by the Sherford development; this included a number of phased improvements at Deep lane, on the northern and southern side of the A38.

In October 2011 a series of revised drawings were submitted showing the proposed phased improvements at Deep Lane on both the northern and southern side of the A38 junction, including improvements to the on and off-slips of the A38.

A review of these drawings has been undertaken and a series of comments/points of clarification have been provided to URS Scott Wilson. In general the Agency are content with the proposals, subject to confirmation on a number of points, and minor amendments to the drawing.

It is however noted that the current drawings require a number of departures from standards, specifically on the westbound on-slip and off-slip. A formal request for approval of the departures has been submitted to the Agency by the applicant and the process is moving forward. Until such time as an approval is granted for these departures no final comments can be made on the submitted proposals, and the Agency will be unable to replace its direction of non determination to one directing planning conditions.

It is hoped that once the required departures are approved, and the minor amendments/queries to the currently submitted drawings are provided that a satisfactory agreement can be reached on the proposed improvements at Deep Lane. A request was also made to review the Framework Travel Plan that accompanies the application. The Agency has reviewed this document as is happy with its content.

Should the departures be agreed, any final approval from the Agency will be subject to a number of conditions. Attached to this letter is the most up to date draft conditions. It should be noted that these are currently in draft format and may require further re-wording in order to align with the needs of our other parties.

I trust the above provides you with enough information to inform the members of the current position of the Highways Agency in respect of the above planning application.

Yours sincerely

Ed Halford  
Network Delivery & Development South West – Asset Development  
Email: ed.halford@highways.gsi.gov.uk

cc: Ian Sosnowski, South Hams District Council  
Brian Hensley & Jamie Hlland, Devon County Council  
Bob Cocker, Plymouth City Council



Nigel Beckett, Redtree  
Miles Hodgson, Halcrow Group Ltd

**Halcrow Group Limited**

Halcrow Group Ltd, 1 The Square, Temple Quay  
Bristol BS1 6DG  
tel 0117 910 2580 fax 0117 910 2581  
halcrow.com



**Technical note**

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**Project** HASPF - Sherford, Plymouth, A38, Mixed, E Hal      **Date** 21 February 2012  
**Subject** Draft Planning Conditions      **Ref** GSWSPA204  
**Author** Miles Hodgson

**1. Condition One:**

No more than 1,300 dwellings shall be completed until such time as a link road between A38 Deep Lane junction and Brixton Road, as shown in Plan XX, has been completed to Acceptable Standard for Use as Highway, as confirmed in writing by the Local Planning Authority.

No more than 1,300 dwellings shall be completed until such time as the traffic management measures have been agreed in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport) to discourage significant increases in 'rat running' which might otherwise result from the opening of this new link road.

The Main Street from A38 Deep Lane junction to Stanborough Cross shall be of suitable standard to provide for an the efficient operation of a High Quality Public Transport service to commence along its length from the day of opening of the Park & Ride facility at Deep Lane.

**2. Condition Two**

No more than 1,300 dwellings shall be occupied until such time as Phase 1 of the Park and Ride facility as identified on plan XX has been completed and is operational to the travelling public, as confirmed in writing by the Local Planning Authority. Phase 1 of the Park and Ride must have no fewer than 500 car parking spaces for use. The entirety of the required land for Phases 1 and 2 of the Park and Ride should be secured at this stage.

No more than 4,000 dwellings shall be occupied until such time as Phase 2 of the Park and Ride facility, as identified on plan XX has been completed and is operational for use by the public, as confirmed in writing by the Local Planning Authority.

If required in advancement of the occupation of 4,000 dwellings of the development hereby permitted, the Local Planning Authority shall serve notice on the developer to commence construction of Phase 2 of the Park and Ride facility, which is to be completed and in operation for use by the public no later than twelve months after the date of receiving this notice.

Prepared by		Date	
Checked by		Date	
Approved by		Date	

### 3. Condition Three

Prior to the commencement of the development the works required to construct the Deep Lane Westbound Signals shall be completed and operational.

No more than 1,300 dwellings shall be occupied until such time as the highway works to A38 Deep Lane junction as shown in Drawing No. XX, or an alternative solution agreed in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport has been completed in accordance with the Local Planning Authority's approval (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

### 4. Condition Four

Prior to the occupation of the development hereby permitted, the Framework Travel Plan which has been submitted as part of the application shall be implemented in keeping with the obligations specified within the S106 legal agreement in relation to this application.

Informative note:

The performance criteria shall define operational characteristics that must be maintained in order for A38 Deep Lane junction to function without operational or safety problems relating to Sherford development traffic in keeping with the requirements of Department for Transport Circular 02/2007 or any document which supersedes this. Mitigation measures will be defined to address any failure to meet the requirements of the Performance Criteria, these may include the funding and implementation through S278 of additional infrastructure improvement to A38 Deep Lane junction.

### 5. Condition Five

No more than 1,100 dwellings shall be occupied until such time as the contribution to Local Bus Services, to aid in mitigating the impact of development traffic at A38 Manadon junction, has been provided to Plymouth City Council.

### 6. Condition Six

Prior to the commencement of any development details of a site construction method statement/ management plan shall be submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The method statement/ management plan shall include details of the following:

- on-site construction worker parking;
- anticipated number, frequency and size of construction vehicles entering/ exiting the site;
- delivery times of construction material;
- construction operating hours

Such details shall be implemented or phasing agreed in writing, prior to the commencement of works on site and thereafter retained for the duration of the work

The applicant is advised that the construction method statement/management plan should include details of the likely routing of construction vehicles to and from the site in order to provide an understanding of the likely impacts on the A38(T) during the construction period.

### 7. Condition Seven

Prior to the commencement of any part of the development hereby permitted, a Signing Strategy shall be submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways

Agency on behalf of the Secretary of State for Transport). The Strategy shall outline how destinations within and external to the site are to be signed to vehicular, pedestrian and cycle traffic and how Sherford as a destination is to be signed from outside of the site. All the recommendations contained within the Signing Strategy shall be implemented in accordance with the timetable contained therein. Thereafter the development shall operate the Signing Strategy or any variation of it agreed in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

**9. Condition Eight:**

Prior to the commencement of the development hereby permitted, a Noise Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The Strategy shall include design criteria for indoor ambient noise levels and external amenity area noise levels.

**10. Condition Nine:**

Prior to the occupation of the development, a scheme for monitoring air quality shall be submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The scheme shall include provision of Real Time monitoring of oxides of nitrogen and particulate matter. The development shall accord with the approved scheme and will be permanently retained in that manner thereafter.

**11. Condition Ten:**

Prior to the commencement of the development, the intended location of statutory undertakers' services shall be agreed in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

## PLANNING COMMITTEE

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Decisions issued for the following period: 29 January 2012 to 27 February 2012

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**Note - This list includes:**

- Committee Decisions
- Delegated Decisions
- Withdrawn Applications
- Returned Applications

**Item No        1**

**Application Number:** 10/01271/OU    **Applicant:** Mount Wise (Guernsey Ltd)

**Application Type:** Outline Application

**Description of Development:** Renewal of outline permission ref: 06/01646/OUT for; Mixed use re-development of 450 dwellings, 9,150sqm of commercial floor space including extension and conversion of both Grade II listed Admiralty House to a hotel and Mount Wise to offices, café, gym, convenience store and associated roads, parking and landscaping to include retention of cricket pitch. Outline application with details of layout, scale and access.

**Site Address**                      FORMER MOD SITE MOUNT WISE DEVONPORT  
PLYMOUTH

**Case Officer:** Jeremy Guise

**Decision Date:** 13/02/2012

**Decision:** Grant Subject to S106 Obligation - Full

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**Item No        2**

**Application Number:** 11/00611/PR    **Applicant:** Forthrite Building Limited

**Application Type:** LDC Proposed Use

**Description of Development:** Proposed use of premises for retail purposes (Use Class A1)

**Site Address**                      MAGNET, TRANSIT WAY    PLYMOUTH

**Case Officer:** Janine Warne

**Decision Date:** 15/02/2012

**Decision:** Issue Certificate - Lawful Use

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**Item No** 3

**Application Number:** 11/00750/FUL **Applicant:** MVV Environment Devonport Li

**Application Type:** Full Application

**Description of Development:** The construction of an Energy from Waste plant in Her Majesty's Naval Base Devonport, Plymouth

The construction of an Energy from Waste plant to the south of a woodland area within the dockyard, with electricity cable connections to the national grid and steam pipe connections into the dockyard, to provide landfill, energy, cost and carbon emission savings for the naval base, dockyard and wider sub regional area. It would comprise of a series of architecturally designed industrial buildings extending for 134m with a large main building (with a 45m high boiler house) and chimney stack (95m high). The proposal would also comprise the construction of a new access road to the Camel's Head junction, new bridge over Weston Mill stream, and a weighbridge. It would also involve alteration of internal dockyard access routes and the construction of a new link road north of the Weston Mill Lake Naval Berth to connect with the dockyard's internal Bull Point access road. The proposal would also include the temporary use of 17,200 square metres of dockyard land for use as the main construction compound during the construction period, to last approximately two and a half years. The main building complex comprises a large tipping hall, boiler house with turbines, storage silos, tanks and cylinders and a row of air cooled condensers. There would also be ancillary administration offices and a community roof terrace and community meeting room as part of the main building complex. There would also be a separate workshop and stores building to the west (10m high). The whole complex would be landscaped with an amenity area provided to the north of Blackies Wood.

**Site Address** LAND AT NORTH YARD, H. M. NAVAL BASE  
DEVONPORT CLOSE TO WESTON MILL CREEK AND  
VIADUCT PLYMOUTH

**Case Officer:** Alan Hartridge

**Decision Date:** 03/02/2012

**Decision:** Grant Subject to S106 Obligation - Full

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**Item No**        **4**

**Application Number:**        11/01047/FUL    **Applicant:** Colourcolt Student Living Ltd  
**Application Type:**            Full Application  
**Description of Development:** Erection of 7 storey building containing 193 student bedrooms within 36 cluster flats and 2 studio flats with ancillary cycle storage, refuse storage and amenity area (demolition of existing buildings)  
**Site Address**                    HAMPTON COTTAGES, REGENT STREET    PLYMOUTH  
**Case Officer:**                 Robert Heard  
**Decision Date:**                08/02/2012  
**Decision:**                        Grant Subject to S106 Obligation - Full

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**Item No**        **5**

**Application Number:**        11/01115/FUL    **Applicant:** Mr Colin Reed  
**Application Type:**            Full Application  
**Description of Development:** Develop land by erection of a pair of semi-detached dwellinghouses  
**Site Address**                    116 BILLACOMBE ROAD    PLYMOUTH  
**Case Officer:**                 Simon Osborne  
**Decision Date:**                13/02/2012  
**Decision:**                        Application Withdrawn

---

**Item No**        **6**

**Application Number:**        11/01521/FUL    **Applicant:** Vauxhall Estates Ltd  
**Application Type:**            Full Application  
**Description of Development:** Change of use and conversion of vacant workshop to form single dwelling with pedestrian access from the Ridgeway  
**Site Address**                    LAND REAR OF 67 - 69 RIDGEWAY    PLYMOUTH  
**Case Officer:**                 Jon Fox  
**Decision Date:**                13/02/2012  
**Decision:**                        Grant Conditionally

---



**Item No**        **7**

**Application Number:**        11/01550/FUL    **Applicant:** Amber New Homes  
**Application Type:**            Full Application  
**Description of Development:** Alterations to lower ground floor flat including additional means of escape and associated works, and formation of rooms in roofspace including rear dormer and two front rooflights to serve Flat 3  
**Site Address**                    54 BEAUMONT ROAD ST JUDES PLYMOUTH  
**Case Officer:**                 Simon Osborne  
**Decision Date:**                24/02/2012  
**Decision:**                        Grant Conditionally

---

**Item No**        **8**

**Application Number:**        11/01559/FUL    **Applicant:** Taylor Wimpey (Exeter) UK LTd  
**Application Type:**            Full Application  
**Description of Development:** Erection of 58 dwellings comprising 44 houses and 14 flats, access road, parking and landscaping  
**Site Address**                    LAND AT TAVISTOCK ROAD PLYMOUTH  
**Case Officer:**                 Robert McMillan  
**Decision Date:**                14/02/2012  
**Decision:**                        Grant Subject to S106 Obligation - Full

---

**Item No**        **9**

**Application Number:**        11/01603/FUL    **Applicant:** Risesign Ltd  
**Application Type:**            Full Application  
**Description of Development:** Erection of three blocks containing a total of 11 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities  
**Site Address**                    LAND AT 1-56, RAGLAN ROAD PLYMOUTH  
**Case Officer:**                 Carly Kirk  
**Decision Date:**                08/02/2012  
**Decision:**                        Grant Subject to S106 Obligation - Full

---

**Item No 10**

**Application Number:** 11/01687/TPO **Applicant:** Cumberland Park Gardens Ltd  
**Application Type:** Tree Preservation  
**Description of Development:** Tree maintenance works  
**Site Address** CUMBERLAND PARK GARDENS, MADDEN ROAD AND REAR OF MILLS ROAD PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 22/02/2012  
**Decision:** Grant Conditionally

---

**Item No 11**

**Application Number:** 11/01695/LBC **Applicant:** Urban Splash  
**Application Type:** Listed Building  
**Description of Development:** Listed building consent for internal and external alterations including a new entrance and glass doors to the southern end ground floor  
**Site Address** NEW COOPERAGE, ROYAL WILLIAM YARD PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 03/02/2012  
**Decision:** Grant Conditionally

---

**Item No 12**

**Application Number:** 11/01717/FUL **Applicant:** Mount Wise (Devon) Limited  
**Application Type:** Full Application  
**Description of Development:** Replacement of approved drawing number in relation to landscape design (sub station location)  
**Site Address** FORMER MOD SITE, MOUNT WISE PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 06/02/2012  
**Decision:** Grant Conditionally

---

**Item No 13**

**Application Number:** 11/01718/FUL **Applicant:** Mr David Liddiard  
**Application Type:** Full Application  
**Description of Development:** Conversion and alterations to vacant units to form 2 self-contained flats, with variation of condition (2) of planning permission 11/00072/FUL to allow substitution of approved drawings to vary landscaping, parking, bin storage and cycle storage  
**Site Address** LAND ADJACENT TO 80 BILLACOMBE ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 31/01/2012  
**Decision:** Grant Conditionally

---

**Item No 14**

**Application Number:** 11/01742/FUL **Applicant:** Sarsen Housing Association  
**Application Type:** Full Application  
**Description of Development:** Redevelop site by erection of affordable housing development containing 18 apartments and 7 dwellings with associated parking and landscaping  
**Site Address** FORMER ROYAL MARINE PUB SITE, TORRIDGE WAY PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 10/02/2012  
**Decision:** Grant Subject to S106 Obligation - Full

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**Item No 15**

**Application Number:** 11/01744/FUL **Applicant:** Mr Ifan Rhys-Jones  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of commercial premises to form two, one - bedroomed flats and provision of new windows and doors including new bay window  
**Site Address** 16 WATSON PLACE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 09/02/2012  
**Decision:** Grant Conditionally

---

**Item No 16**

**Application Number:** 11/01771/FUL **Applicant:** Mr Matthew Conyers  
**Application Type:** Full Application  
**Description of Development:** Continue use of dwellinghouse as 8-bedroom house in multiple occupation for students only  
**Site Address** 9 SALISBURY ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 30/01/2012  
**Decision:** Grant Conditionally

---

**Item No 17**

**Application Number:** 11/01791/FUL **Applicant:** Amber New Homes and Develo  
**Application Type:** Full Application  
**Description of Development:** Continuation of use as 10-bed HMO for student accommodation including alterations to windows at ground and first floor levels, installation of roof windows on front and side roof elevations and dormer windows to rear  
**Site Address** 64 SALISBURY ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 10/02/2012  
**Decision:** Refuse

---

**Item No 18**

**Application Number:** 11/01805/FUL **Applicant:** Mr Manoj Joshi  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alteration of unit 1 to café (Class A3) and hot food takeaway (Class A5)  
**Site Address** UNIT 1 FORMER TRELAWNEY ARMS 642 WOLSELEY ROAD ST BUDEAUX PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 30/01/2012  
**Decision:** Refuse

---

**Item No 19**

**Application Number:** 11/01807/EXU **Applicant:** Amber New Homes & Developm  
**Application Type:** LDC Existing Use  
**Description of Development:** Use as three flats  
**Site Address** 54 BEAUMONT ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/02/2012  
**Decision:** Issue Certificate - Lawful Use

---

**Item No 20**

**Application Number:** 11/01817/FUL **Applicant:** Quaker House Outreach Centre  
**Application Type:** Full Application  
**Description of Development:** Alterations and raising roof of existing lean to extension  
**Site Address** 74 MUTLEY PLAIN PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 13/02/2012  
**Decision:** Grant Conditionally

---

**Item No 21**

**Application Number:** 11/01825/FUL **Applicant:** Mr Mark Elliot  
**Application Type:** Full Application  
**Description of Development:** Enlargement of private motor garage, with provision of playroom in new pitched roofspace that projects forward of the front of the garage, and erection of entrance porch  
**Site Address** 1 LITTLEWOOD CLOSE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 08/02/2012  
**Decision:** Grant Conditionally

---

**Item No 22**

**Application Number:** 11/01827/FUL **Applicant:** Brook Street Properties  
**Application Type:** Full Application  
**Description of Development:** New doctors surgery and associated car parking (phase 2, amended scheme 09/01375/FUL)  
**Site Address** 64 WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 06/02/2012  
**Decision:** Grant Conditionally

---

**Item No 23**

**Application Number:** 11/01845/FUL **Applicant:** Persimmon Homes (SW) Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of 12 detached dwellings with garages and ancillary accessroad, landscaping and public open space, with variation of condition 2 of planning permission 11/00149/FUL to allow substitution of approved plans  
**Site Address** LAND OFF CUNDY CLOSE PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 16/02/2012  
**Decision:** Refuse

---

**Item No 24**

**Application Number:** 11/01861/LBC **Applicant:** Mr Michael Gladdish  
**Application Type:** Listed Building  
**Description of Development:** Replacement of 5 windows with double glazed softwood windows  
**Site Address** 25 UNDERWOOD ROAD PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 31/01/2012  
**Decision:** Grant Conditionally

---

**Item No 25**

**Application Number:** 11/01865/FUL **Applicant:** Mr Michael Timmins  
**Application Type:** Full Application  
**Description of Development:** Construction of timber decking to front of pub  
**Site Address** KEYHAM VAULTS,222 ALBERT ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 02/02/2012  
**Decision:** Grant Conditionally

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**Item No 26**

**Application Number:** 11/01869/FUL **Applicant:** Mr David Eastlake  
**Application Type:** Full Application  
**Description of Development:** Part two-storey, part single-storey, rear and side extension  
**Site Address** 8 DUNSTONE AVENUE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 16/02/2012  
**Decision:** Grant Conditionally

---

**Item No 27**

**Application Number:** 11/01873/EXU **Applicant:** Mr P Rump  
**Application Type:** LDC Existing Use  
**Description of Development:** Retention of building outlined in red  
**Site Address** BELMONT HOUSE, BELMONT PLACE PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 02/02/2012  
**Decision:** Issue Certificate - Lawful Use

---



**Item No 28**

**Application Number:** 11/01874/FUL **Applicant:** Pier Street Limited  
**Application Type:** Full Application  
**Description of Development:** Redevelopment of site for mixed use development comprising 14 residential apartments, ground floor café/restaurant (class A3 use) and associated basement car parking  
**Site Address** FORMER TENNIS COURTS, HOE ROAD-PIER STREET  
PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 24/02/2012  
**Decision:** Grant Subject to S106 Obligation - Full

---

**Item No 29**

**Application Number:** 11/01884/FUL **Applicant:** Pyeroy Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of modular cabin office accommodation for a temporary period of 7 years  
**Site Address** GOSCHEN YARD, UPPER SITE, SALTASH ROAD  
PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 31/01/2012  
**Decision:** Grant Conditionally

---

**Item No 30**

**Application Number:** 11/01887/ADV **Applicant:** Sound Cruising Ltd  
**Application Type:** Advertisement  
**Description of Development:** Installation of awning, 2 fixed wall mounted signs and canvas screens  
**Site Address** 1 COMMERCIAL WHARF, MADEIRA ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 08/02/2012  
**Decision:** Grant Conditionally

---

**Item No 31**

**Application Number:** 11/01888/FUL **Applicant:** Plymouth City Council  
**Application Type:** Full Application  
**Description of Development:** Two storey extension to provide four new classrooms  
**Site Address** ERNESETTLE COMMUNITY SCHOOL, BIGGIN HILL  
PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 07/02/2012  
**Decision:** Grant Conditionally

---

**Item No 32**

**Application Number:** 11/01891/FUL **Applicant:** Mount Wise Devon Ltd  
**Application Type:** Full Application  
**Description of Development:** Application to vary condition 45 of outline planning permission 06/01646 added by condition 1 of planning permission 11/00774 (approved drawing numbers) with the effect of causing material changes to the floorplan and elevations of Block 26 and elevations of Block 30 in Phase 2 of the Mount Wise development  
**Site Address** FORMER MOD SITE, MOUNT WISE PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 07/02/2012  
**Decision:** Grant Conditionally

---

**Item No 33**

**Application Number:** 11/01903/FUL **Applicant:** Mr Simon Chung  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alteration of dwellinghouse, including erection of rear conservatory, to form two self-contained flats  
**Site Address** 40 BICKHAM PARK ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 03/02/2012  
**Decision:** Application Withdrawn

---

**Item No 34**

**Application Number:** 11/01904/FUL **Applicant:** Mrs Sharon Fulford  
**Application Type:** Full Application  
**Description of Development:** Retention of the exterior finishes of rear dormer walls and first floor side extension  
**Site Address** 18 CANEFIELDS AVENUE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 31/01/2012  
**Decision:** Grant Conditionally

---

**Item No 35**

**Application Number:** 11/01906/FUL **Applicant:** T & O Developments  
**Application Type:** Full Application  
**Description of Development:** Continued occupation of part of Parkview House for residential purposes for a temporary period until 31st March 2012  
**Site Address** PARKVIEW HOUSE, TRELAWNEY LANE PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 31/01/2012  
**Decision:** Application Withdrawn

---

**Item No 36**

**Application Number:** 11/01940/FUL **Applicant:** Mr Jonathan Wilson  
**Application Type:** Full Application  
**Description of Development:** Change of use of dwelling used as 5 bedroom student house to 7 bedroom student house  
**Site Address** 24 LADYSMITH ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 08/02/2012  
**Decision:** Grant Conditionally

---

**Item No 37**

**Application Number:** 11/01941/FUL **Applicant:** Mr Gareth Thomas  
**Application Type:** Full Application  
**Description of Development:** External staircase including screening  
**Site Address** 5 GREENBANK AVENUE ST JUDES PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 10/02/2012  
**Decision:** Grant Conditionally

---

**Item No 38**

**Application Number:** 11/01946/FUL **Applicant:** Bellmoor Community Cooperati  
**Application Type:** Full Application  
**Description of Development:** Change of use and conversion of part of shop to include use as a community facility  
**Site Address** BELLIVER STORE, 20 HESSARY DRIVE PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 16/02/2012  
**Decision:** Grant Conditionally

---

**Item No 39**

**Application Number:** 11/01960/FUL **Applicant:** Plymouth Community Homes  
**Application Type:** Full Application  
**Description of Development:** Replacement of alluminium windows with white uPVC  
**Site Address** 13-16a WYNDHAM SQUARE STONEHOUSE PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 30/01/2012  
**Decision:** Refuse

---

**Item No 40**

**Application Number:** 11/01968/31 **Applicant:** Saint Goban Building Distributio  
**Application Type:** GPDO PT31  
**Description of Development:** Determination as to whether prior approval is required for the demolition of the derelict warehouse building at Jewson  
**Site Address** JEWSONS LTD, RICHMOND WALK PLYMOUTH  
**Case Officer:** Carly Kirk  
**Decision Date:** 03/02/2012  
**Decision:** Prior approval not required PT31

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**Item No 41**

**Application Number:** 11/01970/FUL **Applicant:** Mr Watson  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site Address** 47 WENTWOOD GARDENS PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 03/02/2012  
**Decision:** Grant Conditionally

---

**Item No 42**

**Application Number:** 11/01971/FUL **Applicant:** Berkeley Square Management L  
**Application Type:** Full Application  
**Description of Development:** Erection of 2 automatic rising bollards and associated operating panel in car park bay entrance  
**Site Address** BERKELEY SQUARE, 33 NOTTE STREET PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 31/01/2012  
**Decision:** Grant Conditionally

---

**Item No 43**

**Application Number:** 11/01972/LBC **Applicant:** Berkeley Square Management L  
**Application Type:** Listed Building  
**Description of Development:** Erection of 2 automatic rising bollards and associated operating panel in car park bay entrance  
**Site Address** BERKELEY SQUARE, 33 NOTTE STREET PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 31/01/2012  
**Decision:** Grant Conditionally

---

**Item No 44**

**Application Number:** 11/01973/FUL **Applicant:** St Boniface College  
**Application Type:** Full Application  
**Description of Development:** Single storey extension to technology block  
**Site Address** ST BONIFACE CATHOLIC COLLEGE, 21 BONIFACE LANE PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 08/02/2012  
**Decision:** Grant Conditionally

---

**Item No 45**

**Application Number:** 11/01974/FUL **Applicant:** Mr Anthony Dulling  
**Application Type:** Full Application  
**Description of Development:** Garden retaining wall and wooden fence to rear of property (retrospective)  
**Site Address** 15 FORDER HEIGHTS EGGBUCKLAND PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 15/02/2012  
**Decision:** Grant Conditionally

---

**Item No 46**

**Application Number:** 11/01977/TPO **Applicant:** Mrs Williams  
**Application Type:** Tree Preservation  
**Description of Development:** Maple - Reduce crown by 2-2.5m  
**Site Address** 49 KIMBERLY DRIVE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 30/01/2012  
**Decision:** Grant Conditionally

---

**Item No 47**

**Application Number:** 11/01979/FUL **Applicant:** Mr & Mrs R Scott  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension and canopy to side  
**Site Address** 55 SOUTHWAY LANE WIDEWELL PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 10/02/2012  
**Decision:** Grant Conditionally

---

**Item No 48**

**Application Number:** 11/01983/FUL **Applicant:** RD Webber Properties  
**Application Type:** Full Application  
**Description of Development:** Change of use, conversion and alteration of public house to single dwelling house  
**Site Address** PRINCE ALFRED PUBLIC HOUSE, 2 CLARENCE PLACE  
STONEHOUSE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 08/02/2012  
**Decision:** Grant Conditionally

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**Item No 49**

**Application Number:** 11/01984/LBC **Applicant:** RD Webber Properties  
**Application Type:** Listed Building  
**Description of Development:** Works in association with change of public house to single dwellinghouse including replacement roof to single-storey tenement and internal alterations  
**Site Address** PRINCE ALFRED PUBLIC HOUSE, 2 CLARENCE PLACE  
STONEHOUSE PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 08/02/2012  
**Decision:** Grant Conditionally

---

**Item No 50**

**Application Number:** 11/01985/FUL **Applicant:** Mr Andrew Downey  
**Application Type:** Full Application  
**Description of Development:** Change of use of flat roof area and adjacent room to open air café and associated preparation area/servery  
**Site Address** HOE ROAD PLYMOUTH  
**Case Officer:** Carly Kirk  
**Decision Date:** 24/02/2012  
**Decision:** Grant Conditionally

---

**Item No 51**

**Application Number:** 11/01986/CA **Applicant:** Mr Andrew Downey  
**Application Type:** Conservation Area  
**Description of Development:** Demolition to allow enlargement of existing door opening in association with change of use to open air café  
**Site Address** HOE ROAD PLYMOUTH  
**Case Officer:** Carly Kirk  
**Decision Date:** 24/02/2012  
**Decision:** Grant Conditionally

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**Item No 52**

**Application Number:** 11/01988/FUL **Applicant:** Mrs Alison Smith  
**Application Type:** Full Application  
**Description of Development:** Proposed side and rear extension including demolition of garage/store  
**Site Address** 84 FORT AUSTIN AVENUE PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 03/02/2012  
**Decision:** Grant Conditionally

---

**Item No 53**

**Application Number:** 11/01992/FUL **Applicant:** Vospers Motor House Ltd  
**Application Type:** Full Application  
**Description of Development:** Installation of solar photovoltaic panels to car show room roof  
**Site Address** MARSH MILLS PARK, LONGBRIDGE ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 31/01/2012  
**Decision:** Grant Conditionally

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**Item No 54**

**Application Number:** 11/01993/FUL **Applicant:** Mr Roger Perkins  
**Application Type:** Full Application  
**Description of Development:** Change of use of a hair dressing salon to a dog grooming parlour  
**Site Address** COURT STUDIO 3 RADFORD PARK ROAD PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 06/02/2012  
**Decision:** Grant Conditionally

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**Item No 55**

**Application Number:** 11/01994/FUL **Applicant:** L & R Café Ltd  
**Application Type:** Full Application  
**Description of Development:** Smoking hut at rear of premises  
**Site Address** 36 DRAKE CIRCUS PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 10/02/2012  
**Decision:** Refuse

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**Item No 56**

**Application Number:** 11/01998/FUL **Applicant:** Mrs Donna Hodge-Goldsmith  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 35 STONE BARTON CLOSE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 30/01/2012  
**Decision:** Grant Conditionally

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**Item No 57**

**Application Number:** 11/02005/FUL **Applicant:** Mr & Mrs Bailey  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 10 KIMBERLY DRIVE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 31/01/2012  
**Decision:** Grant Conditionally

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**Item No 58**

**Application Number:** 11/02008/FUL **Applicant:** Plymouth Theatre Royal  
**Application Type:** Full Application  
**Description of Development:** Refurbishment and redevelopment of the public areas including:  
1. A new creative Learning Space in the existing basement  
2. The replacement of the existing aluminium cladding  
3. An extension to the main entrance area of the existing theatre  
4. The renovation and alterations to the existing internal front-of-house areas  
5. The reconfiguration of the landscaping around the building  
**Site Address** THEATRE ROYAL, ROYAL PARADE PLYMOUTH  
**Case Officer:** Mark Evans  
**Decision Date:** 15/02/2012  
**Decision:** Grant Conditionally

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**Item No 59**

**Application Number:** 11/02010/FUL **Applicant:** Mr Mark Pascoe  
**Application Type:** Full Application  
**Description of Development:** Single storey extension  
**Site Address** 2 GREAT BERRY ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 03/02/2012  
**Decision:** Grant Conditionally

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**Item No 60**

**Application Number:** 11/02011/FUL **Applicant:** Lipson Community College  
**Application Type:** Full Application  
**Description of Development:** Replacement of existing roof covering, windows and column casings, renewal of boiler flues and installation of high level natural ventilation cowls  
**Site Address** LIPSON COMMUNITY COLLEGE, BERNICE TERRACE PLYMOUTH  
**Case Officer:** Robert Heard  
**Decision Date:** 17/02/2012  
**Decision:** Grant Conditionally

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**Item No 61**

**Application Number:** 11/02012/FUL **Applicant:** Mr & Mrs D Norman  
**Application Type:** Full Application  
**Description of Development:** Retention of annex in part of lower ground-floor  
**Site Address** 32 PARK ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 03/02/2012  
**Decision:** Grant Conditionally

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**Item No 62**

**Application Number:** 11/02013/FUL **Applicant:** Keystone Children's Centres  
**Application Type:** Full Application  
**Description of Development:** Installation of 2.7m x 7.3m temporary building  
**Site Address** 25 MANOR STREET PLYMOUTH  
**Case Officer:** Karen Gallacher  
**Decision Date:** 02/02/2012  
**Decision:** Grant Conditionally

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**Item No 63**

**Application Number:** 11/02014/PR **Applicant:** Mrs Susan Cornelius  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Conversion of basement area to habitable accommodation for use in connection with dwellinghouse in remainder of property  
**Site Address** 6 NEATH ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 14/02/2012  
**Decision:** Issue Certificate - Lawful Use

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**Item No 64**

**Application Number:** 11/02016/PR **Applicant:** Mrs C Butler  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Roof alterations and rear dormer  
**Site Address** 134 WESTON PARK ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 03/02/2012  
**Decision:** Issue Certificate - Lawful Use

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**Item No 65**

**Application Number:** 11/02020/FUL **Applicant:** J M Homes  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 27 PLYMSTOCK ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 08/02/2012  
**Decision:** Grant Conditionally

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**Item No 66**

**Application Number:** 11/02021/FUL **Applicant:** Mr and Mrs H Mahon  
**Application Type:** Full Application  
**Description of Development:** Side extension and alterations to front and rear dormers  
**Site Address** 4 CHERRY PARK PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 08/02/2012  
**Decision:** Grant Conditionally

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**Item No 67**

**Application Number:** 11/02023/FUL **Applicant:** Waters Park House Brain Injury  
**Application Type:** Full Application  
**Description of Development:** Extensions and alterations including formation of mansard roof with dormers to create an additional storey, extensions to the north and west elevations and removal of boundary treatment along Stopford Place to provide parking area  
**Site Address** WATERS PARK HOUSE, EXMOUTH ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 10/02/2012  
**Decision:** Grant Conditionally

---

**Item No** 68

**Application Number:** 11/02024/FUL **Applicant:** Mr Colin Lewis  
**Application Type:** Full Application  
**Description of Development:** First floor side extension  
**Site Address** 124 WALKHAMPTON WALK PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 13/02/2012  
**Decision:** Grant Conditionally

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**Item No** 69

**Application Number:** 11/02026/FUL **Applicant:** Great City Attractions Global Ltd  
**Application Type:** Full Application  
**Description of Development:** 53 metre high observation wheel on Plymouth Hoe - extension to existing permission until 31 December 2012  
**Site Address** HOE PARK, ARMADA WAY PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 10/02/2012  
**Decision:** Grant Conditionally

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**Item No** 70

**Application Number:** 11/02027/FUL **Applicant:** Trelawney Partnership  
**Application Type:** Full Application  
**Description of Development:** Variation of condition 19 of planning permission 11/00729 to allow the A5 use to open between 10:00 and 00:00 Mondays to Saturdays inclusive and 10:00 and 23:00 on Sundays, and Bank Holidays  
**Site Address** 646 WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Janine Warne  
**Decision Date:** 07/02/2012  
**Decision:** Grant Conditionally

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**Item No 71**

**Application Number:** 11/02031/OU **Applicant:** Millfields Trust  
**Application Type:** Outline Application  
**Description of Development:** Four storey building comprising 33 business units, ancillary accommodation and revised car parking  
**Site Address** MILLFIELDS TRUST HQ, 237 UNION STREET PLYMOUTH  
**Case Officer:** Jeremy Guise  
**Decision Date:** 16/02/2012  
**Decision:** Grant Conditionally

---

**Item No 72**

**Application Number:** 11/02032/FUL **Applicant:** Dr Brian Gurry  
**Application Type:** Full Application  
**Description of Development:** Amendments to lower car park  
**Site Address** GLENSIDE MEDICAL CENTRE, GLENSIDE RISE  
PLYMPTON PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 14/02/2012  
**Decision:** Grant Conditionally

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**Item No 73**

**Application Number:** 11/02033/FUL **Applicant:** Messrs Samuels and Gardiner  
**Application Type:** Full Application  
**Description of Development:** Development of site by erection of 3 detached dwellings and associated access parking and garages  
**Site Address** ELBURTON RESERVOIR, RESERVOIR ROAD  
PLYMSTOCK PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 13/02/2012  
**Decision:** Grant Conditionally

---

**Item No 74**

**Application Number:** 11/02036/FUL **Applicant:** 6th Plympton Scout Group  
**Application Type:** Full Application  
**Description of Development:** Siting of cabin for use by local community groups for purposes ancillary to Use Class D1 (primarily storage of kit for local beavers/cubs and scout groups)  
**Site Address** YEALMPSTONE FARM PRIMARY SCHOOL,  
MEADOWFIELD PLACE PLYMPTON PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 14/02/2012  
**Decision:** Grant Conditionally

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**Item No 75**

**Application Number:** 11/02038/FUL **Applicant:** Mrs Jenny Alcorn  
**Application Type:** Full Application  
**Description of Development:** Private motor garage  
**Site Address** 1 MIRADOR PLACE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 13/02/2012  
**Decision:** Grant Conditionally

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**Item No 76**

**Application Number:** 11/02039/TPO **Applicant:** Plymouth City Council  
**Application Type:** Tree Preservation  
**Description of Development:** 3 Sycamore - remove to allow improvements to cycle path  
**Site Address** LAND BETWEEN WANTAGE GARDENS AND VICTORIA  
PARK PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 08/02/2012  
**Decision:** Grant Conditionally

---

**Item No 77**

**Application Number:** 11/02041/LBC **Applicant:** Joint Receiver  
**Application Type:** Listed Building  
**Description of Development:** Internal Alterations  
**Site Address** 40b DURNFORD STREET PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 03/02/2012  
**Decision:** Application Withdrawn

---

**Item No 78**

**Application Number:** 11/02043/FUL **Applicant:** Mr Peter Anderson  
**Application Type:** Full Application  
**Description of Development:** Rear dormer and three new rooflights in front facing roof slope  
**Site Address** 9 BEAUMONT AVENUE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 22/02/2012  
**Decision:** Grant Conditionally

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**Item No 79**

**Application Number:** 11/02045/FUL **Applicant:** Mr Steve Reed  
**Application Type:** Full Application  
**Description of Development:** Two storey side/rear extension  
**Site Address** 10 HARWOOD AVENUE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 22/02/2012  
**Decision:** Grant Conditionally

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**Item No 80**

**Application Number:** 11/02046/FUL **Applicant:** Mr Russell Clear  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension with basement garden room  
**Site Address** 225 FORT AUSTIN AVENUE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 07/02/2012  
**Decision:** Grant Conditionally

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**Item No 81**

**Application Number:** 11/02047/FUL **Applicant:** Plymouth Community Homes  
**Application Type:** Full Application  
**Description of Development:** Conversion of two self-contained flats to one dwelling house and associated internal alterations  
**Site Address** 197 AND 199 HAM DRIVE HAM PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 22/02/2012  
**Decision:** Grant Conditionally

---

**Item No 82**

**Application Number:** 11/02049/FUL **Applicant:** Mr & Mrs Michael Lawler  
**Application Type:** Full Application  
**Description of Development:** Extension and alterations including raising roof with front and rear dormer windows, first floor rear extension and infill front extension  
**Site Address** 74 SHERFORD ROAD ELBURTON PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 10/02/2012  
**Decision:** Refuse

---

**Item No 83**

**Application Number:** 12/00001/FUL **Applicant:** Mr & Mrs Gavin Bulley  
**Application Type:** Full Application  
**Description of Development:** Conversion of existing garage to playroom and en suite, first floor extension over existing garage and new porch at front of property  
**Site Address** 35 GREENHILL CLOSE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 09/02/2012  
**Decision:** Grant Conditionally

---

**Item No 84**

**Application Number:** 12/00002/FUL **Applicant:** Mr Cesar Alarcon  
**Application Type:** Full Application  
**Description of Development:** Extension to existing rear dormer  
**Site Address** 15 MILEHOUSE ROAD PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 27/02/2012  
**Decision:** Grant Conditionally

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**Item No 85**

**Application Number:** 12/00007/PR **Applicant:** Mrs J Smart  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Single-storey rear extension  
**Site Address** 3 THORNVILLE TERRACE ORESTON PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 30/01/2012  
**Decision:** Refuse to Issue Cert - (Ex)

---

**Item No 86**

**Application Number:** 12/00008/FUL **Applicant:** C and G Catering  
**Application Type:** Full Application  
**Description of Development:** Siting of catering unit to be run in conjunction with The Wheel of Plymouth until 31 December 2012  
**Site Address** NEXT TO THE WHEEL OF PLYMOUTH, ARMADA WAY  
THE HOE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 13/02/2012  
**Decision:** Grant Conditionally

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**Item No 87**

**Application Number:** 12/00010/FUL **Applicant:** Mr Alan Ryeland  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension, rear single storey extension, loft conversion and internal alterations to allow full wheelchair access  
**Site Address** 7 WAIN PARK PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 15/02/2012  
**Decision:** Grant Conditionally

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**Item No 88**

**Application Number:** 12/00012/FUL **Applicant:** Mr and Mrs Carr  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 23 BEACONFIELD ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 15/02/2012  
**Decision:** Grant Conditionally

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**Item No 89**

**Application Number:** 12/00023/FUL **Applicant:** Mr & Mrs Graham Watson  
**Application Type:** Full Application  
**Description of Development:** Roof alterations, at rear, including formation of gable roof with window in gable end, and single-storey rear extension  
**Site Address** 40 BIRCH POND ROAD PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 16/02/2012  
**Decision:** Grant Conditionally

---

**Item No 90**

**Application Number:** 12/00027/FUL **Applicant:** Mr David Ronson

**Application Type:** Full Application

**Description of Development:** Single storey side extension

**Site Address** 4 LINKADELL VILLAS, RAYMOND WAY PLYMPTON  
PLYMOUTH

**Case Officer:** Mike Stone

**Decision Date:** 17/02/2012

**Decision:** Grant Conditionally

---

**Item No 91**

**Application Number:** 12/00029/FUL **Applicant:** Miss Sarah Toms

**Application Type:** Full Application

**Description of Development:** Two-storey side extension

**Site Address** 10 THE DELL PLYMOUTH

**Case Officer:** Liz Wells

**Decision Date:** 22/02/2012

**Decision:** Grant Conditionally

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**Item No 92**

**Application Number:** 12/00031/FUL **Applicant:** LTC Group87 Ltd

**Application Type:** Full Application

**Description of Development:** Extensions to existing industrial unit on North West and South West elevations and temporary detached storage unit

**Site Address** LTC SPECIALIST SCAFFOLDING, RICHMOND WALK  
STONEHOUSE PLYMOUTH

**Case Officer:** Karen Gallacher

**Decision Date:** 22/02/2012

**Decision:** Grant Conditionally

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**Item No 93**

**Application Number:** 12/00032/ADV **Applicant:** Co-operative Food Group  
**Application Type:** Advertisement  
**Description of Development:** 1x externally illuminated sign  
**Site Address** 27 MORSHEAD ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 15/02/2012  
**Decision:** Grant Conditionally

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**Item No 94**

**Application Number:** 12/00033/FUL **Applicant:** Mr & Mrs Hotchin  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension and associated works  
**Site Address** 4 BERRY PARK CLOSE PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 15/02/2012  
**Decision:** Grant Conditionally

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**Item No 95**

**Application Number:** 12/00034/ADV **Applicant:** Co-operative Food Group  
**Application Type:** Advertisement  
**Description of Development:** 1x externally illuminated fascia sign  
**Site Address** 147 EGGBUCKLAND ROAD PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 15/02/2012  
**Decision:** Grant Conditionally

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**Item No 96**

**Application Number:** 12/00035/ADV **Applicant:** Plymouth University  
**Application Type:** Advertisement  
**Description of Development:** Non-illuminated fascia sign and decorative façade, and 3 flags  
**Site Address** DIVING AND MARINE CENTRE, PLYMOUTH UNIVERSITY  
ARTILLERY PLACE COXSIDE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 16/02/2012  
**Decision:** Grant Conditionally

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**Item No 97**

**Application Number:** 12/00036/TPO **Applicant:** Gelndale Countryside  
**Application Type:** Tree Preservation  
**Description of Development:** Poplar - raise crown to 5m and clear cables  
Holm Oak - raise crown to 3m and reduce overhanging  
branches by 1m  
**Site Address** MOUNT GOULD HOSPITAL, MOUNT GOULD ROAD  
PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 27/02/2012  
**Decision:** Grant Conditionally

---

**Item No 98**

**Application Number:** 12/00037/TPO **Applicant:** Mr J Henry  
**Application Type:** Tree Preservation  
**Description of Development:** Sycamore - Crown raise to 4m above ground level, reduce  
crown by 1-2m  
**Site Address** KINGDOM HALL, STATION ROAD PLYMPTON PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 21/02/2012  
**Decision:** Grant Conditionally

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**Item No 99**

**Application Number:** 12/00039/FUL **Applicant:** Mr and Mrs Ravenscroft  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site Address** 131 GREEN PARK ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 27/02/2012  
**Decision:** Grant Conditionally

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**Item No 100**

**Application Number:** 12/00052/FUL **Applicant:** Mr Shaun Evans  
**Application Type:** Full Application  
**Description of Development:** Ground floor front extension, front extension at basement (road) level and associated works  
**Site Address** 28 CHATSWORTH GARDENS PLYMOUTH  
**Case Officer:** Mark Utting  
**Decision Date:** 23/02/2012  
**Decision:** Refuse

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**Item No 101**

**Application Number:** 12/00072/FUL **Applicant:** Tamar View Community Comple  
**Application Type:** Full Application  
**Description of Development:** Installation of solar array  
**Site Address** TAMAR VIEW COMMUNITY CENTRE, MIERS CLOSE PLYMOUTH  
**Case Officer:** Adam Williams  
**Decision Date:** 22/02/2012  
**Decision:** Grant Conditionally

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**Item No 102**

**Application Number:** 12/00083/FUL **Applicant:** Rev Mother Taylor  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension and alterations to raised patio  
**Site Address** 83 FORE STREET PLYMPTON PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 24/02/2012  
**Decision:** Grant Conditionally

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**Item No 103**

**Application Number:** 12/00186/FUL **Applicant:** Marine Biological Association  
**Application Type:** Full Application  
**Description of Development:** FLAG POLES  
**Site Address** TINSIDE POOL, HOE ROAD PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 27/02/2012  
**Decision:** Application Withdrawn

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**Item No 104**

**Application Number:** 12/00192/CA **Applicant:** Mr Colin Merren  
**Application Type:** Conservation Area  
**Description of Development:** EXTENSION  
**Site Address** 1 STENTAWAY ROAD PLYMOUTH  
**Case Officer:**  
**Decision Date:** 21/02/2012  
**Decision:** CAC Not Required

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Application Number **11/00789/FUL** Page 226  
Appeal Site **WHITLEIGH PENTECOSTAL CHURCH, 391-397 BUDSHEAD ROAD PLYMOUTH**  
Appeal Proposal Change of use and conversion of church into private members club  
Case Officer Janine Warne

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 17/01/2012  
Conditions  
Award of Costs Awarded To

Appeal Synopsis

The Inspector agreed with the refusal reasons given by the Council. Firstly, with specific reference to noise, the Inspector concluded that, in light of the very close relationship and potential impact on nearby properties, the proposed social club could not operate without materially harming the living conditions of the occupiers of neighbouring dwellings. Secondly, with specific reference to Transport considerations, the Inspector was not satisfied that the proposal could operate without a material increase in traffic and parking on the local road network and therefore this would be detrimental to the safe and free flow of traffic. The appeal was therefore dismissed.

Application Number **11/00886/ADV**  
Appeal Site **SALT QUAY HOUSE PLYMOUTH**  
Appeal Proposal Internally illuminated fascia sign (sign A) - approved, Two internally illuminated fascia signs (signs B and C) - refused  
Case Officer Katie Beesley

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 17/01/2012  
Conditions  
Award of Costs Awarded To

Appeal Synopsis

The inspector supported the Core Strategy policies used but said that the main considerations should have been the advertising regulations and the requirement that decisions be made in the interests of amenity and public safety. The inspector agreed that the red background would be out of keeping with the area and that the signs would conflict with the subtle architecture of the building and would appear intrusive. He added that commercial need can not be a consideration in determining applications or appeals.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.



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