

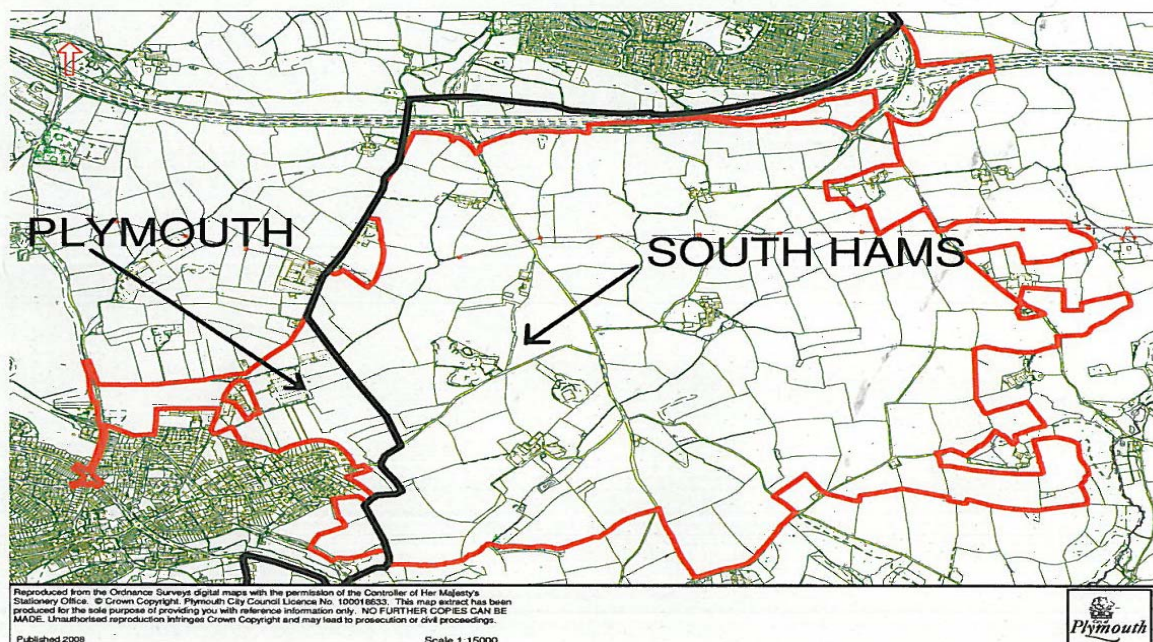
# PLANNING APPLICATION REPORT

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:

| <b>Dwelling Numbers</b> | <b>Contribution</b> |
|-------------------------|---------------------|
| 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 I 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 I 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 HW7 and 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:**

#### **(I) 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   |
|---|---|--------------------|-----------|--|--|
| 21.1 Sherford New Community, Land South/Southwest of A38 Deep Lane and East of Haye Road, Elburton, Plymouth 06/02036/OUT | <u>Proposal to Adjourn</u><br><br>Councillors Mrs. Aspinall, Mrs. Beer, Delbridge, Mrs. Dolan, Michael Foster, Fox, Martin Leaves, Mrs. Stephens, Stevens, Wheeler and Wildy.<br><br><u>Officers Recommendations</u><br><br>Councillors Mrs. Aspinall, Delbridge, Mrs. Dolan, Fox Roberts, Mrs. Stephens, Stevens, Wheeler and Wildy. | Councillor Roberts |           |  | Councillors Mrs. Beer, Michael Foster and Martin Leaves. |

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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 Haye 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  |  | Yes   | Yes   |
|  | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC4, SNC11, 12 & 14<br><br>North Plymstock Area Action Plan policies NP05.1, 11 & 13<br><br>Planning Obligations and Affordable Housing SPD<br><br>Plymouth Core Strategy policies 33 & 34 | <u>List other planning merits.</u> <ul style="list-style-type: none"> <li>○ Sherford Enquiry by Design (walkable neighbourhoods)</li> <li>○ Population Census (empirical evidence to assess pupil generation)</li> <li>○ Plymouth Infrastructure Needs Assessment</li> </ul> | <u>Explanation.</u><br>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development. | <u>Explanation.</u><br>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?  |   | 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>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 BREEAM 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><br/>           Sherford Area Action Plan policies SNC4<br/>           North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC4 and SNC2<br/>           North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13<br/>           Planning Obligations and Affordable Housing SPD<br/>           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><br/>           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><br/>           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 given that it is based on estimated costs of what is required to secure these facilities using the DCSF Schools Calculator.</p> |
|  | <b>Yes</b>   |   | <b>Yes</b>   | <b>Yes</b>   |
| <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>ED5 Construction / Contributions to allow the opening of the Primary Schools as follows:</p>  | <p><b>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC4<br/>           North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC4 &amp; SNC16<br/>           North Plymstock Area Action Plan</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> </ul> <p>Plymouth Infrastructure Needs Assessment</p>     | <p><b>Explanation.</b><br/>           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><br/>           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>  |

| 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>(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>policies NP05.1, 11 &amp; 13<br/>Planning Obligations and Affordable Housing SPD<br/>Plymouth Core Strategy CS 33 &amp; 34</p>  |  | <p>arising from the development are met at the appropriate time.</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><b>Yes</b></p>  | <p><b>Yes</b></p>  | <p><b>Yes</b></p>   |   |
|  | <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC4 &amp; SNC16<br/>North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13<br/>Planning Obligations and Affordable Housing SPD<br/>Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC4<br/>North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13<br/>Planning Obligations and Affordable Housing SPD</p> | <p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>○ Sherford EbD (walkable neighbourhoods)</li> </ul> | <p><b>Explanation.</b><br/>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 directly related to the development in that it is required to meet the needs arising from the development.</p> | <p><b>Explanation.</b><br/>The obligation is considered both fair and reasonable to ensure the most efficient use of facilities as the development is built out.</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   |  |  |   |
| 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.<br><br>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 style="text-align: center;"><b>Yes</b></p> <p><b>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC4 &amp; SNC16<br/>           North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34<br/>           Sherford Area Action Plan policies SNC4<br/>           North Plymstock Area Action Plan policies NP05.1, 11 &amp; 13<br/>           Planning Obligations and Affordable Housing SPD<br/>           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> <br/> <li>○ Sherford EbD (walkable neighbourhoods)</li> <li>○ Population Census (empirical evidence to assess pupil generation)</li> </ul> | <p><b>Yes</b></p> <p><b>Explanation.</b><br/>           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.<br/><br/>           This obligation is directly related to the educational needs of the development, however provides flexibility for the delivery of the educational facilities to be accommodated in a number of ways.</p> | <p><b>Yes</b></p> <p><b>Explanation.</b><br/>           The obligation is considered both fair and reasonable .<br/><br/>           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> |
| 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.<br><br>ED11 The County Council shall use   | <p style="text-align: center;"><b>Yes</b></p> <p><b>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC4 &amp; SNC7</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> </ul>  | <p><b>Yes</b></p> <p><b>Explanation.</b><br/>           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>Yes</b></p> <p><b>Explanation.</b><br/>           The obligation is considered both fair and reasonable, being based on the National Admissions Code of Practice.</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?  |   |   |
| 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. | Sherford Area Action Plan policies SNC4 & 9<br>North Plymstock Area Action Plan policies NP05.1, 11 & 13<br>Planning Obligations and Affordable Housing SPD<br>Plymouth Core Strategy CS 33 & 34   | <ul style="list-style-type: none"> <li>○ Sherford EbD (walkable neighbourhoods)</li> <li>○ Population Census (empirical evidence to assess pupil generation)</li> </ul>   | The obligation is directly related to the development in that it is required to meet the community needs arising from the development.  | The obligation is considered both fair and reasonable, being based on the National Playing Field Association, Sport England and Building Bulletin standards.  |
|  | <b>Yes</b>   |   | <b>Yes</b>  | <b>Yes</b>  |
| ED12a Prior to the commencement of residential development, to identify land for the provision of a Secondary School.<br><br>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.  | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC4 & 12<br>North Plymstock Area Action Plan policies NP05.1, 11 & 12<br>Planning Obligations and Affordable Housing SPD<br>Plymouth Core Strategy CS 33 & 34<br><br>Sherford Area Action Plan policies SNC4 & 12<br>North Plymstock Area Action Plan policies NP05.1, 11 & 12<br>Planning Obligations and Affordable Housing SPD<br>Plymouth Core Strategy CS 33 & 34 | <u>List other planning merits.</u><br><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><br/> <li>○ Sherford EbD (walkable neighbourhoods)</li> <li>○ Population Census (empirical evidence to assess pupil generation)</li> <li>○ Plymouth Infrastructure Needs Assessment</li> </ul> | <u>Explanation.</u><br>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development.<br><br>The obligation is directly related to the development in that it is required to meet the educational needs arising from the development. | <u>Explanation.</u><br>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator.<br><br>The obligation is considered both fair and reasonable in terms of determining what facilities are using the DCSF Schools Calculator. |
| ED13 To provide a 754 place Secondary  | <b>Yes</b>   |   | <b>Yes</b>  | <b>Yes</b>  |

| 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 BREEAM 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:<br/> (a) The timing of the construction of the school (or contributions thereto) shall be as approved by the County Council.<br/> (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.<br/> Payments for the construction of each phase of the school shall be phased as follows<br/> • 5% prior to commencement for design fees<br/> • 5% upon signing a contract for the delivery of the school<br/> • The Balance upon certified completion of each stage of works</p> | <p><b>List main policies relied upon.</b><br/> Sherford Area Action Plan policies SNC4 &amp; 2<br/> North Plymstock Area Action Plan policies NP05.1,11 &amp; 12<br/> Planning Obligations and Affordable Housing SPD<br/> Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC4 &amp; 16<br/> North Plymstock Area Action Plan policies NP05.1,11 &amp; 12<br/> Planning Obligations and Affordable Housing SPD<br/> 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><br/> 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><br/> 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> |
| ED15 The Secondary School buildings may be used temporarily for a Primary   | Yes  |   | Yes  | Yes  |



| 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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|  | In terms of policy context?  | In terms of other planning merits of the case?   |  |  |
| <p>School and any other community role agreed by the parties.</p> <p>ED16 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><b>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC4 &amp; 16<br/>           North Plymstock Area Action Plan policies NP05.1,13 &amp; 12<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC4 &amp; 12<br/>           North Plymstock Area Action Plan policies NP05.1 &amp; 13<br/>           Planning Obligations and Affordable Housing SPD<br/>           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> </ul>  | <p><b>Explanation.</b><br/>           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><br/>           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>ED17 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>ED18 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>              | <p><b>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC4</p> <p>Sherford Area Action Plan policies SNC4 &amp; 7</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> <li>○ Sherford EbD (walkable neighbourhoods)</li> <li>○ Population Census (empirical evidence to assess pupil generation)</li> </ul> | <p><b>Explanation.</b><br/>           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 educational needs arising from the development.</p>   | <p><b>Explanation.</b><br/>           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> |
|  | Yes .  |  | Yes .  | Yes .  |

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|  | In terms of policy context?   | In terms of other planning merits of the case?  |   |  |
| 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 Ivybridge College (or similar Secondary School facility).   | Yes .   |   | Yes .   | Yes .  |
|  | <b>List main policies relied upon.</b><br>Sherford Area Action Plan policies SNC16  | <b>List other planning merits.</b><br>○   | <b>Explanation.</b><br>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. | <b>Explanation.</b><br>The obligation is considered both fair and reasonable in terms of determining the school travel needs over the phasing of development.  |
| ED20 By the commencement of the 2,000 <sup>th</sup> 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.  | Sherford Area Action Plan SNC4, 9 & 12<br>North Plymstock Area Action Plan policies NP05.1 & 11<br>Planning Obligations and Affordable Housing SPD  | Means of assimilating Sherford Quarry into a functional (yet ecologically sensitive) manner into the overall development. | 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.             | 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   |
|  | Yes .   |   | Yes .   | Yes .  |
| ED22 A 0.2ha fully serviced site shall be made available to accommodate the permanent youth centre prior to the commencement of the 1,801 <sup>st</sup> dwelling together with a 450m <sup>2</sup> 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 700m <sup>2</sup> 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 | <b>List main policies relied upon.</b><br>Sherford Area Action Plan policies SNC2, 4 & 7<br>North Plymstock Area Action Plan policies NP05.1, 11 & 14<br>Planning Obligations and Affordable Housing SPD<br>Plymouth Core Strategy CS 33 & 34 | <b>List other planning merits.</b><br>○ Young Peoples Planning Day  | <b>Explanation.</b><br>The obligation is directly related to the development in that it is required to meet the community needs arising from the development.   | <b>Explanation.</b><br>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. |

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|  | In terms of policy context?  | In terms of other planning merits of the case?  |   |  |
| <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<br/>North Plymstock Area Action Plan policies NP05.1, 11 &amp; 14<br/>Planning Obligations and Affordable Housing SPD<br/>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 commuted sums and/or the provision of management and maintenance by a Management Company and/or Community Trust as agreed between the parties.</p> | <p style="text-align: center;"><b>Yes .</b></p> <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC4<br/>North Plymstock Area Action Plan policies NP05.1, 11 &amp; 14<br/>Planning Obligations and Affordable Housing SPD<br/>Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC1<br/>North Plymstock Area Action Plan policies NP05. 14 &amp; 15<br/>Planning Obligations and Affordable Housing SPD<br/>Plymouth Core Strategy CS 33 &amp; 34</p> | <p style="text-align: center;"><b>Yes .</b></p> <p><b>List other planning merits.</b><br/>o Young People's Planning Day</p> | <p style="text-align: center;"><b>Yes .</b></p> <p><b>Explanation.</b><br/>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 style="text-align: center;"><b>Yes .</b></p> <p><b>Explanation.</b><br/>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> |
|  | <b>Yes .</b>   |   | <b>Yes .</b>  | <b>Yes .</b>   |

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|   | In terms of policy context?  | In terms of other planning merits of the case?  |  |  |
| <p>HC1 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>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><br/>           Sherford Area Action Plan policies SNC4<br/>           North Plymstock Area Action Plan policies NP05.I, II<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC4 &amp; II<br/>           North Plymstock Area Action Plan policies NP05.I, II<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p> | <p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>○ Sherford Health Design Workshop</li> <li>○ Plymouth Infrastructure Needs Assessment</li> </ul> <p>Sherford EbD</p> <p>Plymouth Infrastructure Needs Assessment</p> | <p><b>Explanation.</b><br/>           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><br/>           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>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><br/>           Sherford Area Action Plan policies SNC4 &amp; 16<br/>           North Plymstock Area Action Plan policies NP05.I, II<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p>  | <p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>○ Plymouth Infrastructure Needs Assessment</li> </ul>  | <p><b>Explanation.</b><br/>           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>Explanation.</b><br/>           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>  |

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|   | In terms of policy context?   | In terms of other planning merits of the case?  |  |  |
| <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>   | Sherford Area Action Plan policies SNC4   |   | The obligation is directly related to the development in that it is required to meet the health needs arising from the development.  | The obligation is considered both fair and reasonable in terms of determining the most appropriate health facilities, based on PCT standards of provision.   |
|   | Yes .   |   | Yes .  | Yes .  |
| <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><br/>           Sherford Area Action Plan policies SNC4 &amp; 16<br/>           North Plymstock Area Action Plan policies NP05.1, 11<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC4 &amp; 16<br/>           North Plymstock Area Action Plan policies NP05.1, 11<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p> | <p><b>List other planning merits.</b><br/>           o Plymouth Infrastructure Needs Assessment</p> | <p><b>Explanation.</b><br/>           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><br/>           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> |
| HC9 To provide fully serviced land and  | Yes .   |   | Yes .  | Yes .  |

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|  | In terms of policy context?  | In terms of other planning merits of the case?  |  |  |
| <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><b>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC4 &amp; 2<br/>           North Plymstock Area Action Plan policies NP05.1, 11<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p> | <p><b>List other planning merits.</b><br/>           Population Census (empirical evidence to assess children generation)</p> | <p><b>Explanation.</b><br/>           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>Explanation.</b><br/>           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>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>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 community needs arising from the development.</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>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC4<br/>           North Plymstock Area Action Plan policies NP05.1, 11<br/>           Planning Obligations and Affordable Housing SPD<br/>           Plymouth Core Strategy CS 33 &amp; 34</p>         | <p><b>List other planning merits.</b></p>   | <p>Yes .</p>   | <p>Yes .</p>   |
|  |  |   | <p><b>Explanation.</b><br/>           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>Explanation.</b><br/>           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> |

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|  | In terms of policy context?   | In terms of other planning merits of the case?  |  |   |
| <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>Sherford Area Action Plan policies SNC 3</p> <p>South Hams Core Strategy policies CS 4 &amp; 6</p> <p>North Plymstock Area Action Plan policies NP05.1, 11</p> <p>Planning Obligations and Affordable Housing SPD</p> <p>Plymouth Core Strategy CS 15, 33 &amp; 34</p> | <p>Housing Market Needs Assessment 2006</p> <p>Housing Strategy 2005-2010</p> <p>DTZ Viability appraisal (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 phasing.</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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|   | In terms of policy context?   | In terms of other planning merits of the case?  |  |  |
| <p>provision level for the balance of the development (from 2,750 to 5,500 dwellings).<br/>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.<br/>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<br/>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>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 style="text-align: center;"><b>Yes .</b></p> <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC 3<br/>South Hams Core Strategy policies CS 4 &amp; 6<br/>North Plymstock Area Action Plan policies NP05<br/>Planning Obligations and Affordable Housing SPD<br/>Plymouth Core Strategy CS 15, 33 &amp; 34</p> <p>Sherford Area Action Plan policies SNC 3<br/>South Hams Core Strategy policies CS</p> | <p style="text-align: center;"><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 style="text-align: center;"><b>Yes .</b></p> <p><b>Explanation.</b><br/>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>The obligation is directly related to the development in that it is required to</p> | <p style="text-align: center;"><b>Yes .</b></p> <p><b>Explanation.</b><br/>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> |



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|   | In terms of policy context?   | In terms of other planning merits of the case?   |   |  |
| <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> <p>(a) establish and sustain a mixed, stable and sustainable community at the development;</p> <p>(b) foster a sense of ownership and community;</p> <p>(c) learn from the profile of successful high density developments that have matured over a number of years; and</p> <p>(d) facilitate effective management of the development</p> <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>4 &amp; 6<br/>North Plymstock Area Action Plan policies NP05<br/>Planning Obligations and Affordable Housing SPD<br/>Plymouth Core Strategy CS 15, 33 &amp; 34</p>   |  | <p>deliver the affordable housing needs arising from the development phasing.</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 style="text-align: center;"><b>Yes .</b></p> <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS 4 6</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><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>○ Housing Market Needs Assessment 2006</li> <li>○ Housing Strategy 2005-2010</li> <li>○ DTZ Viability Assessment (confidential)</li> <li>○</li> </ul> | <p><b>Yes .</b></p> <p><b>Explanation.</b><br/>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 directly related to the</p> | <p><b>Yes .</b></p> <p><b>Explanation.</b><br/>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 considered both fair</p> |

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|  | In terms of policy context?  | In terms of other planning merits of the case?     |  |   |
| 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.13 below. | <p>Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS 4 &amp; 6</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>   |  | development in that it is required to meet the affordable housing needs arising from the development.  | and reasonable in terms of determining the most appropriate affordable housing mix and provision based on HMNA and objectives of achieving a balanced community.  |
|  | <b>Yes .</b>   |  | <b>Yes .</b>   | <b>Yes .</b>  |
| <p>H6 Standard Mortgagee in Possession wording will be included</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><u>List main policies relied upon.</u></p> <p>Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS 4 &amp; 6</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>Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS4 &amp; 6</p> <p>North Plymstock Area Action Plan</p> | <p><u>List other planning merits.</u></p> <p>o</p> | <p><u>Explanation.</u></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 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><u>Explanation.</u></p> <p>The obligation to deliver affordable housing is considered both fair and reasonable in terms of determining the most appropriate affordable housing mix and provision</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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|   | In terms of policy context?   | In terms of other planning merits of the case?  |  |  |
|   | <p>policies NP05.</p> <p>Plymouth Core Strategy CS15, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p>  |   |  |  |
|   | <b>Yes .</b>  |   | <b>Yes .</b>   | <b>Yes .</b>   |
| <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>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></p> <p>Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS4 &amp; 6</p> <p>North Plymstock Area Action Plan policies NP05.</p> <p>Plymouth Core Strategy CS15, 33 &amp; 34<br/>Planning Obligations and Affordable Housing SPD</p> <p>Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS4 &amp; 6</p> <p>North Plymstock Area Action Plan policies NP05.</p> <p>Plymouth Core Strategy CS15, 33 &amp; 34<br/>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> <li>o DTZ Viability Assessment (confidential)</li> </ul> <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>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>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>Explanation.</b></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>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> |

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|   | In terms of policy context?   | In terms of other planning merits of the case?  |   |  |
| 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 H.8 in accordance with HCA Capital Funding Guide. | Yes .   |   | Yes .   | Yes .  |
| 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><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS4 &amp; 6</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><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>○ Housing Market Needs Assessment 2006</li> <li>○ Housing Strategy 2005-2010</li> <li>○ DTZ Viability Assessment (confidential)</li> </ul> | <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><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable in terms of ensuring the most appropriate affordable housing is safeguarded.</p> |
| H12 Affordable Housing shall be delivered as agreed with the District   | Yes .   |   | Yes .   | Yes .  |

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| <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>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><b>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS4 &amp; 6</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>Sherford Area Action Plan policies SNC3</p> <p>South Hams Core Strategy policies CS4 &amp; 6</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><b>List other planning merits.</b><br/>           ○</p> | <p><b>Explanation.</b><br/>           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 directly related to the development in that it is required to safeguard the affordable housing needs arising from the development.</p> | <p><b>Explanation.</b><br/>           The obligation is considered both fair and reasonable in terms of providing the most appropriate affordable housing mix.</p> <p>The obligation is considered both fair and reasonable in terms of safeguarding the most appropriate affordable housing mix.</p> |

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|   | In terms of policy context?   | In terms of other planning merits of the case?   |  |  |
| 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>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 Lifetime 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 percentage 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>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 style="text-align: center;"><b>Yes .</b></p> <p><b>List main policies relied upon.</b><br/>           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>Sherford Area Action Plan policies SNC3</p> | <p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>○ Housing Market Needs Assessment 2006</li> <li>○ Housing Strategy 2005-2010</li> </ul> <p>○ Housing Market Needs</p> | <p><b>Yes .</b></p> <p><b>Explanation.</b><br/>           The obligation is directly related to the development in that it is required to meet the housing needs arising from the development</p> <p>The obligation is directly related to the development in that it is required to</p> | <p><b>Yes .</b></p> <p><b>Explanation.</b><br/>           The obligation is considered both fair and reasonable in terms of providing the most appropriate housing mix.</p> <p>The obligation is considered both fair and reasonable in terms of providing the most appropriate housing mix.</p> |

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| 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.  | North Plymstock Area Action Plan policies NP05.<br><br>Plymouth Core Strategy CS15, 33 & 34<br><br>Planning Obligations and Affordable Housing SPD  | Assessment 2006<br>o Housing Strategy 2005-2010<br>o DTZ Viability Assessment (confidential) | meet the housing needs arising from the development mindful of the viability consequences of provision.   |  |
| HI6 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:<br>(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.<br>(2) All Affordable Housing shall not be visually distinguishable from market housing in terms of build quality and materials. | Yes .   | Yes .  | Yes .   |  |
|   | <b>List main policies relied upon.</b><br>Sherford Area Action Plan policies SNC3<br><br>South Hams Core Strategy policies CS 4 & 6<br><br>North Plymstock Area Action Plan policies NP05.<br><br>Plymouth Core Strategy CS15, 33 & 34<br><br>Planning Obligations and Affordable Housing SPD | <b>List other planning merits.</b>   | <b>Explanation.</b><br>The obligation is directly related to the development in that it is required to meet the affordable housing needs arising from the development | <b>Explanation.</b><br>The obligation is considered both fair and reasonable in terms of providing the most appropriate housing mix. |

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| <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.<br/>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:<br/>(a) Formal and informal active play.<br/>(b) Ecological protection and</p>  | <p style="text-align: center;"><b>Yes .</b></p> <p><b>List main policies relied upon.</b><br/>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><b>List other planning merits.</b></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><b>Yes .</b></p> <p><b>Explanation.</b><br/>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><b>Yes .</b></p> <p><b>Explanation.</b><br/>The obligation is considered both fair and reasonable in terms of providing the supporting green infrastructure.</p> |



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|  | In terms of policy context?  | In terms of other planning merits of the case?             |   |   |
| <p>enhancement.<br/>(c) Agriculture / food production / grassland.</p> <p>OS1b To provide within or adjacent to the Community Park at least one café and shop, one public house and subject to viability, a Community Organic Farm with associated cycle and car parking for each.</p>   | 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.  |
| <p>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.</p> <p>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.</p> | Yes .  |  | Yes .   | Yes .   |
|  | <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC1, 9 &amp; 10</p> <p>North Plymstock Area Action Policies NP05.23</p> <p>Sherford Area Action Plan policies SNC3 &amp; 9</p> <p>North Plymstock Area Action Policies NP05.16 &amp; 22</p> <p>Plymouth Core Strategy CS18, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p> | <p><b>List other planning merits.</b><br/>Sherford EbD</p> | <p><b>Explanation.</b><br/>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 directly related to the development in that it is required to meet the community and green infrastructure needs arising from the development</p> | <p><b>Explanation.</b><br/>The obligation is considered both fair and reasonable in terms of providing the supporting green infrastructure.</p> <p>The obligation is considered both fair and reasonable in terms of providing the supporting green infrastructure.</p> |
| OS3 To provide and fully fund 70ha. of woodland planting for the purposes of   | Yes .  |  | Yes .   | Yes .   |

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| <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 Plan shall be approved by the Relevant Councils prior to commencement of development.</p>   | <p><b>List main policies relied upon.</b><br/>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><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o BRE Assessment</li> </ul> <p>EIA</p>                                      | <p><b>Explanation.</b><br/>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><b>Explanation.</b><br/>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:<br/>• 4ha of Allotments, each area delivered broadly in line with the phasing of residential development. These shall be located throughout the neighbourhoods</p> | <p style="text-align: center;"><b>Yes .</b></p> <p><b>List main policies relied upon.</b><br/>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><b>List other planning merits.</b></p> <p>Sherford EbD</p> <p>Plymouth Infrastructure Needs Assessment</p> <p>National guidance relating to provision</p> | <p><b>Yes .</b></p> <p><b>Explanation.</b><br/>The obligation is directly related to the development in that it is required for 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><b>Yes .</b></p> <p><b>Explanation.</b><br/>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> |

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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>  |  |  |
|  | <b>Yes .</b>   |   | <b>Yes .</b>   | <b>Yes .</b>   |
| <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 400m2 in size delivered in phase with development.</li> <li>• Two Neighbourhood Equipped Areas of Play (NEAP) of a minimum of 1000m2 in</li> </ul> | <p><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC10</p> <p>South Hams Core Strategy CS9</p> <p>North Plymstock Area Action Policies NPI1.6</p> <p>Plymouth Core Strategy CS18, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p> <p>Sherford Area Action Plan policies SNC9</p> <p>North Plymstock Area Action Policies NP05.24 &amp; 25</p> <p>Plymouth Core Strategy CS30, 33 &amp; 34</p> <p>Planning Obligations and Affordable Housing SPD</p> | <p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o EIA</li> </ul> | <p><b>Explanation.</b></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>The obligation is directly related to the development in that it is required to meet the needs arising from the development</p> | <p><b>Explanation.</b></p> <p>The obligation is considered both fair and reasonable in terms of mitigating the visual impacts of development on the historic environment.</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> |

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|   | In terms of policy context?  | In terms of other planning merits of the case?  |  |  |
| <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 style="text-align: center;">Yes .</p> <p><b>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC9</p> <p>North Plymstock Area Action Policies NP05. 16 &amp; 18<br/>           Plymouth Core Strategy CS30, 33 &amp; 34<br/>           Planning Obligations and Affordable Housing SPD</p> | <p><b>List other planning merits.</b><br/>           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><br/>           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><br/>           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> |

| 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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|   | In terms of policy context?   | In terms of other planning merits of the case? |  |   |
| <p>completion. Provision is currently to be configured as:</p> <p>(a) 1 all weather floodlit pitch suitable for football, hockey and rugby training</p> <p>(b) 1 all weather floodlit MUGA suitable for 6 tennis courts / five a-side football</p> <p>(c) 1 five a-side grass pitch</p> <p>(d) 1 grass senior football pitch</p> <p>(e) 1 senior cricket pitch</p> <p>(f) 1 grass junior football pitch</p> <p>(g) 1 pavilion and changing facilities to cater for a total of eight teams (this can be provided within the Indoor Sports centre</p> <p>(h) car parking and secure cycle parking</p> <p>• 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. Provision is currently to be configured as:</p> <p>(a) 1 senior cricket pitch</p> <p>(b) 6 hard tennis courts</p> <p>(c) 2 senior football pitches</p> <p>(d) 1 junior football pitches</p> <p>(e) 1 pavilion and changing facilities to cater for a total of six teams</p> <p>(f) car parking and secure cycle parking</p> <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> |   |  |  |   |

| 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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|   | In terms of policy context?   | In terms of other planning merits of the case? |   |  |
| <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 Plymstock 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>SR5 Any transfer of outdoor sports pitches and courts to a Relevant</p> | Yes .   |  | Yes .   | Yes .  |
|   | <p><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC4 &amp; 9</p> <p>North Plymstock 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>List other planning merits.</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>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>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>   |

| 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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|  | In terms of policy context?   | In terms of other planning merits of the case?  |   |   |
| 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 CFI-4.  | North Plymstock Area Action Policies NP05. 15 & 1<br>Plymouth Core Strategy CS30, 33 & 34<br><br>Planning Obligations and Affordable Housing SPD  |   | development in that it is required to ensure management is secured for the facilities which meet the needs arising from the development.            | management for facilities that meet the needs arising from the development.   |
|  | Yes .   |   | Yes .   | Yes .   |
| 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:<br>(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).<br>(b) Ancillary reception, administration, servicing and storage areas<br>(c) Wet changing facilities<br>(d) Car parking and secure cycle parking<br>Prior or to the commencement of the 2,301st dwelling, to provide at the indoor sports centre the following:<br>(a) Four court sports hall<br>(b) Dry changing facilities<br>(c) Appropriate additional reception, administration, servicing and storage areas<br>(d) Multi function room of a size | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC9<br><br>North Plymstock Area Action Policies NP05. 16 & 18 & NP01.16<br><br>Plymouth Core Strategy policy CS30, 33 & 34<br>Planning Obligations and Affordable Housing SPD | <u>List other planning merits.</u><br>Plymouth Infrastructure Needs Assessment<br><br>Plymouth Sports Facility Strategy | <u>Explanation.</u><br>The obligation is directly related to the development in that it is required to meet the needs arising from the development. | <u>Explanation.</u><br>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. |

| 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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|   | In terms of policy context?  | In terms of other planning merits of the case?  |  |  |
| <p>capable of accommodating gymnasium and fitness facilities (minimum of 40 stations of sport equipment) and ancillary treatment facilities of at least 200sq.m<br/>(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 Plymstock Area Action Policies NP05. 15 &amp; 1</p> <p>Plymouth Core Strategy policy CS30, 33, 34<br/>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 4001st 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 style="text-align: center;"><b>Yes .</b></p> <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC1<br/>North Plymstock Area Action Policies NP05. 15 &amp; 1<br/>Plymouth Core Strategy policy CS30, 33, 34<br/>Planning Obligations and Affordable Housing SPD</p> <p>Sherford Area Action Plan policies SNC9<br/>North Plymstock Area Action Policies NP05. 16<br/>Plymouth Core Strategy CS30, 33 &amp; 34<br/>Planning Obligations and Affordable Housing SPD</p> | <p style="text-align: center;"><b>Yes .</b></p> <p><b>List other planning merits.</b><br/><br/>Sherford EbD</p> | <p><b>Yes .</b></p> <p><b>Explanation.</b><br/>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><b>Yes .</b></p> <p><b>Explanation.</b><br/>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?  |
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|   | 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 Plymstock AAP (Proposal NP11)   | Yes .   |   | Yes .  | Yes .  |
|   | <b>List main policies relied upon.</b><br>North Plymstock Area Action Policies NP11 as set out in the Delivery Table Plymouth Core Strategy CS18, 33 & 34 Planning Obligations and Affordable Housing SPD                 | <b>List other planning merits.</b><br>Plymouth Infrastructure Needs Assessment<br><br>Saltram Countryside Park Masterplan<br><br>Plymouth Green Infrastructure Plan | <b>Explanation.</b><br>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. | <b>Explanation.</b><br>The obligation is considered both fair and reasonable in contributing a proportion of the overall costs of taking forward the proposals for North Plymstock Countryside Park to meet the demand arising from the development. |
| SR15 To pay a contribution of £100 to the Life Centre at Plymouth Central Park  | North Plymstock Area Action Policies NP05.9<br>Plymouth Core Strategy CS18, 33 & 34 Planning Obligations and Affordable Housing SPD   | Plymouth Infrastructure Needs Assessment<br><br>Plymouth Sports Facility Strategy   | The obligation is directly related to the development in that it is required to meet demand on citywide sports facilities.   | 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.  |
| 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. | Yes .   |   | Yes .  | Yes .  |
|   | <b>List main policies relied upon.</b><br>Sherford Area Action Plan policies SNC4<br>North Plymstock Area Action Policies NP05.11 & 1<br>Plymouth Core Strategy CS33 & 34 Planning Obligations and Affordable Housing SPD | <b>List other planning merits.</b>  | <b>Explanation.</b><br>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.        | <b>Explanation.</b><br>The obligation is considered both fair and reasonable in meeting the needs arising from the development based on provision elsewhere in Devon.  |
| M2 Prior to the commencement of the 701st dwelling, to make available at a  |   |   |  | The obligation is considered both fair   |

| 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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|   | In terms of policy context?  | In terms of other planning merits of the case? |   |   |
| 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.                                     | Sherford Area Action Plan policies SNC 4, 12 & 16<br><br>North Plymstock Area Action Policies NP05.11 & 1<br>Plymouth Core Strategy CS33 & 34<br>Planning Obligations and Affordable Housing SPD                               |  | The obligation is directly related to the development in that it is required to meet the needs arising from the development.  | and reasonable in meeting the needs arising from the development.   |
| 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.  | <b>Yes .</b>   |  | <b>Yes .</b>  | <b>Yes .</b>  |
|   | <b>List main policies relied upon.</b><br>Sherford Area Action Plan policies SNC 16<br>North Plymstock Area Action Policies NP05.11 & 1<br>Plymouth Core Strategy CS33 & 34<br>Planning Obligations and Affordable Housing SPD | <b>List other planning merits.</b>             | <b>Explanation.</b><br>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. | <b>Explanation.</b><br>The obligation is considered both fair and reasonable in meeting the needs arising from the development. |
| 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.  | Sherford Area Action Plan policies SNC4 & 11<br>North Plymstock Area Action Policies NP05.11 & 1<br>Plymouth Core Strategy CS33 & 34<br>Planning Obligations and Affordable Housing SPD  |  | 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.                        | The obligation is considered both fair and reasonable in meeting the needs arising from the development.                        |
| 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. | <b>Yes .</b>   |  | <b>Yes .</b>  | <b>Yes .</b>  |
|   | <b>List main policies relied upon.</b><br>Sherford Area Action Plan policies SNC4 & 11   | <b>List other planning merits.</b><br>○        | <b>Explanation.</b><br>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. | <b>Explanation.</b><br>The obligation is considered both fair and reasonable in meeting the needs arising from the development. |

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|   | 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 development over 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  | Yes .   |  | Yes .  | Yes .   |
| 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.  | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC16<br>North Plymstock Area Action Policies NP05.11 & 1<br><br>Sherford Area Action Plan policies SNC3 & 9<br><br>South Hams Development Policies DPD1 | <u>List other planning merits.</u>             | <u>Explanation.</u><br>The obligation is directly related to the development in that it is required to meet the needs arising from the development<br><br>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. | <u>Explanation.</u><br>The obligation is considered both fair and reasonable in meeting the needs arising from the development.<br><br>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 :-<br><ul style="list-style-type: none"> <li>• artistic input into design, development and delivery of built and natural environments;</li> <li>• art projects funding;</li> <li>• community involvement in art projects and design; and</li> <li>• provision of a public art champion to facilitate distribution of funds for art initiatives</li> <li>• provision of facilities to hold cultural events and activities.</li> <li>• A timetable for the implementation of</li> </ul> | Yes .   |  | Yes .  | Yes .   |
|   | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC3 & 9<br><br>South Hams Development Policies DPD1   | <u>List other planning merits.</u>             | <u>Explanation.</u><br>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.  | <u>Explanation.</u><br>The obligation is considered both fair and reasonable in meeting the needs arising from the development.   |

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|   | In terms of policy context?   | In terms of other planning merits of the case? |   |  |
| <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 DPDI</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>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> | Yes .   |  | Yes .   | Yes .  |
|   | <p><u>List main policies relied upon.</u></p> <p>Sherford Area Action Plan policies SNC3 &amp; 9</p> <p>South Hams Development Policies DPDI</p> <p>Sherford AAP policies SNC5 &amp; 10</p> <p>North Plymstock Area Action Policies NP05. 47</p> <p>Planning Obligations and Affordable Housing SPD</p> | <p><u>List other planning merits.</u></p>      | <p><u>Explanation.</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><u>Explanation.</u></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 mitigating the impacts arising from the development on the SAC and SPA.</p> |
| <p>C11 To construct a Town Hall in the High Street providing a building of not</p>  | Yes .   |  | Yes .   | Yes .  |

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|   | In terms of policy context?  | In terms of other planning merits of the case?  |   |  |
| <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 The Town Hall may include a café, catering facilities, plus additional</li> </ul> | <p><b>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNCI, 4 &amp; 11</p> <p>North Plymstock Area Action Policies NP05.11, 1 &amp; 33</p> | <p><b>List other planning merits.</b><br/>           Sherford EbD</p> <p>Plymouth Infrastructure Needs Assessment</p> | <p><b>Explanation.</b><br/>           The obligation is directly related to the development in that it is required to meet the needs arising from the development</p> | <p><b>Explanation.</b><br/>           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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|   | 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>CI2 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>CI3 To provide the building or space to house the Library and Information Centre of 500m2 gross (in the case of a separate building) or 400m2 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>CI4 The Library and Information Centre shall be capable of expanding by 190m2 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 style="text-align: center;"><b>Yes .</b></p> <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC4 &amp; 11</p> <p>North Plymstock Area Action Policies NP05.11 &amp; 1</p> | <p style="text-align: center;"><b>Yes .</b></p> <p><b>List other planning merits.</b><br/>○</p> | <p><b>Yes .</b></p> <p><b>Explanation.</b><br/>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><br/>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</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?   |
|--|--|--|--|---|
|  | In terms of policy context?  | In terms of other planning merits of the case?     |  |   |
|  | NP05.11 & 1<br>Plymouth Core Strategy CS33 & 34<br>Planning Obligations and Affordable Housing SPD   |  |  |   |
|  | Yes .  |  | Yes .  | Yes .   |
| <p>Cl5 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>Cl6b 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><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC4 &amp; 16<br/>North Plymstock Area Action Policies NP05.11 &amp; 1<br/>Plymouth Core Strategy CS33 &amp; 34<br/>Planning Obligations and Affordable Housing SPD</p> <p>Sherford Area Action Plan policies SNC10</p> <p>North Plymstock Area Action Policies NP05.11 &amp; 1</p> | <p><b>List other planning merits.</b></p> <p>○</p> | <p><b>Explanation.</b><br/>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 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><b>Explanation.</b><br/>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>The obligation is considered both fair and reasonable in providing information on the site arising from the development works.</p> |
| <p>Cl7 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><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC4 &amp; 5</p> <p>North Plymstock Area Action Policies NP05.41</p>  | <p><b>List other planning merits.</b></p> <p>○</p> | <p><b>Explanation.</b><br/>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><b>Explanation.</b><br/>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>   |

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|   | In terms of policy context?  | 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>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 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> |
| CT2 The Community Trust shall be  | Yes .  |  | Yes .   | Yes .  |



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|  | In terms of policy context?  | In terms of other planning merits of the case? |  |  |
| operational prior to the first residential occupation.   | <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC1 &amp; 16</p> <p>North Plymstock Area Action Policies NP05.15 &amp; 1</p> | <p><b>List other planning merits.</b></p>      | <p><b>Explanation.</b><br/>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><b>Explanation.</b><br/>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> <p>(a) the landowner and developer<br/>(b) South Hams District Council<br/>(c) Devon County Council<br/>(d) Plymouth City Council<br/>(e) Brixton Parish Council (until role passes to new Town Council)<br/>(f) Sherford Town Council<br/>(g) Residents and property owners of Sherford<br/>(h) Neighbourhood Community Representatives<br/>(i) Other individuals bringing necessary skills and abilities (e.g. Education Heads)</p> | <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> <p>(a) Sustainable living (Green Travel,</p>   | <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC1</p> <p>North Plymstock Area Action Policies NP05.15 &amp; 1</p>          | <p><b>List other planning merits.</b></p>      | <p><b>Explanation.</b><br/>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><b>Explanation.</b><br/>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>             |
|  | Yes .  |  | Yes .  | Yes .  |

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|  | In terms of policy context?  | In terms of other planning merits of the case? |   |   |
| <p>Recycling, Conservation etc)</p> <p>(b) Waste re-use, repair, and recycling</p> <p>(c) Economic development and job creation</p> <p>(d) Community asset management</p> <p>(e) Community development</p> <p>(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>Sherford Area Action Plan policies SNC1 &amp; 7</p> <p>North Plymstock Area Action Policies NP05. 1</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>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>PS1</p> <p>To pay to the District Council £10,000</p>   | Yes .  |  | Yes .   | Yes .   |

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|   | In terms of policy context?   | In terms of other planning merits of the case? |  |   |
|   | List main policies relied upon.   | List other planning merits.                    |  |   |
| <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>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 Area Action Plan policies SNC1</p> <p>Sherford AAP Policies SNC 3<br/>Sherford Area Action Plan policies SNC2</p> | <p>○</p>                                       | <p><b>Explanation.</b><br/>The obligation is directly related to the development in that it is required to ensure implementation is undertaken in an acceptable manner.</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><b>Explanation.</b><br/>The obligation is considered both fair and reasonable to ensure ongoing monitoring can take place.</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>  | Yes .   |  | Yes .  | Yes .   |

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|  | In terms of policy context?  | In terms of other planning merits of the case? |  |   |
| <p>Town Council together with additional administrative support costs for Brixton Parish Council in the interim arising from the Development.</p>  | <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC1</p>  | <p><b>List other planning merits.</b></p>      | <p><b>Explanation.</b><br/>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><br/>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</p> <p>North Plymstock Area Action Policies NP05.44 &amp; 1</p> <p>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>   |

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|  | In terms of policy context?  | In terms of other planning merits of the case?                                 |   |   |
| 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.  |  |  |   |   |
| E2 All housing shall achieve an Eco-Homes 'Excellent' rating; other buildings shall achieve a BREEM 'Excellent' rating.  | Yes .  |  | Yes .   | Yes .   |
| 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):<br><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> | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC2<br><br>North Plymstock Area Action Policies NP05.3<br>Plymouth Core Strategy CS20<br><br>Sherford Area Action Plan policies SNC2<br><br>North Plymstock Area Action Policies NP05.3<br>Plymouth Core Strategy CS20 | <u>List other planning merits.</u><br>BRE Assessment<br><br><br>BRE Assessment | <u>Explanation.</u><br>The obligation is directly related to the development in that it is required to mitigate the environmental impacts of the development.<br><br>The obligation is directly related to the development in that it is required to mitigate the environmental impacts of the development. | <u>Explanation.</u><br>The obligation is considered both fair and reasonable to mitigate the impacts of the development.<br><br>The obligation is considered both fair and reasonable to mitigate the impacts of the development. |
| 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).  | Yes .  |  | Yes .   | Yes .   |
|  | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC5<br><br>North Plymstock Area Action Policies NP05.43  | <u>List other planning merits.</u>   | <u>Explanation.</u><br>The obligation is directly related to the development in that it is required to meet the needs of the development.   | <u>Explanation.</u><br>The obligation is considered both fair and reasonable to meet the needs of the development.  |

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|   | In terms of policy context?   | In terms of other planning merits of the case? |   |   |
| <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>   | <b>Yes .</b>  |  | <b>Yes .</b>  | <b>Yes .</b>  |
|   | <p><b>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNCI</p> <p>North Plymstock Area Action Policies NP05.1 &amp; 15</p> | <p><b>List other planning merits.</b></p>      | <p><b>Explanation.</b><br/>The obligation is directly related to the development in that it is required to promote sustainable patterns of behaviour to new residents to reduce the impacts of the development.</p> | <p><b>Explanation.</b><br/>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>  |

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|  | In terms of policy context?  | In terms of other planning merits of the case?             |   |   |
| 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&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.   | SNC2<br>North Plymstock Area Action Policies NP05.1 & 11   |  | ensure development can adopt improved sustainable practices over the course of its construction phases to reduce the impacts of the development.  | can adopt improved sustainable practices over the course of its construction phases to reduce the impacts of the development.   |
| <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> | Yes .  | Yes .  | Yes .   |   |
|  | <p><u>List main policies relied upon.</u><br/>Sherford Area Action Plan policies SNC3</p> <p>North Plymstock Area Action Policies NP05.6</p> | <p><u>List other planning merits.</u><br/>Sherford EbD</p> | <p><u>Explanation.</u><br/>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><u>Explanation.</u><br/>The obligation is considered both fair and reasonable to provide flexibility to review the detailed approach to delivery of development.</p> |
|  | <p>Sherford Area Action Plan policies SNC3</p> <p>North Plymstock Area Action Policies NP05.6</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>The obligation is considered both fair and reasonable to ensure the development complies with the Town Code.</p>   |

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|   | In terms of policy context?  | In terms of other planning merits of the case?  |  |  |
| 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. |  |   |  |  |
| 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 PS1.   | Yes .  |   | Yes .  | Yes .  |
|   | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC3<br><br>North Plymstock Area Action Policies NP05.6 | <u>List other planning merits.</u><br><br>Plymouth Infrastructure Needs Assessment<br><br>Plymouth's third Local Transport Plan (LTP3)<br><br>Eastern Corridor Study<br><br>Plymouth Strategic High Quality Public Transport (HQPT) Network | <u>Explanation.</u><br>The obligation is directly related to the development in that it is required to ensure the development complies with the Town Code<br><br><br>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. | <u>Explanation.</u><br>The obligation is considered both fair and reasonable to ensure the development complies with the Town Code.<br><br><br>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. |
| 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.   |  |   |  |  |
|   | Yes .  |   | Yes .  | Yes .  |



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|   | In terms of policy context?   | In terms of other planning merits of the case?  |   |   |
| <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><br/>           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><br/>           Plymouth Infrastructure Needs Assessment</p> <p>Plymouth Infrastructure Needs Assessment</p>     | <p><b>Explanation.</b><br/>           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><br/>           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> <p>a) £100,000 for the connection from the Community Park to the National Cycle Network (NCN 2) (Sherford / Railway link connection).</p> <p>b) £55,000 for the improvement of NCN2 west of the connection described in (a) above (Dawes Lane)</p> <p>c) £100,000 for the improvement of NCN2 and associated links east of the connection described in (a) above (Eastward Works)</p> <p>d) £175,024 for the link between</p>  | <p><b>List main policies relied upon.</b><br/>           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><br/>           Plymouth Infrastructure Needs Assessment</p> <p>Plymouth's third Local Transport Plan (LTP3)</p> | <p><b>Explanation.</b><br/>           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>Explanation.</b><br/>           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?   |  | 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)<br/>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).<br/>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 Plymstock 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 (HQPT) 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 Hays Road link, for construction access, prior to the occupation of the first dwelling (Main Street Phase 1).<br/>b) To complete and make available for use the Main Street between Hays Road and Brixton Road prior to the occupation of the 701st dwelling (Main Street Phase 2).<br/>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.<br/>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 HW12a).</p>                            | <p style="text-align: center;">Yes .</p> <p><u>List main policies relied upon.</u><br/>Sherford Area Action Plan policies SNC7 &amp; 16</p> <p>North Plymstock Area Action Policies NP05.34, 35, 48 NP07</p> <p>Plymouth Core Strategy policies CS27, 28, 33 &amp; 34</p> | <p style="text-align: center;">Yes .</p> <p><u>List other planning merits.</u></p>   | <p style="text-align: center;">Yes .</p> <p><u>Explanation.</u><br/>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 style="text-align: center;">Yes .</p> <p><u>Explanation.</u><br/>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> |

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|---|---|--|--|--|
|   | In terms of policy context?   | In terms of other planning merits of the case?   |  |  |
| <p>HW8 To complete and make available for use;</p> <p>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.</p> <p>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</p> <p>North Plymstock Area Action Policies NP05.34, 35 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 (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:</p> <p>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 style="text-align: center;"><b>Yes .</b></p> <p><b>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC7 &amp; 16</p> <p>North Plymstock Area Action Policies NP05.34, 35 NP07NP08</p> <p>Plymouth Core Strategy policies CS27, 28, 33 &amp; 34</p> | <p><b>List other planning merits.</b></p> <p>Plymouth Infrastructure Needs Assessment</p> <p>Plymouth's third Local Transport Plan (LTP3)</p> <p>Plymouth Strategic High Quality Public Transport (HQPT) Network</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 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></p> <p><b>Explanation.</b></p> <p>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> |

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|--|---|---|--|---|
|  | In terms of policy context?   | 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 11pm Monday to Saturday and 9am to 7pm on Sunday linking Sherford to the City Centre</p> <p>HW10a £342,000 shall be paid at the occupation of the 1,100th dwelling. This contribution shall provide mitigation for Sherford's impact on the Manadon junction as directed by the Highways Agency. This amount shall be used to for a local bus route servicing Plymstock, Plympton and Derriford or could be used to provide other forms of mitigation on Manadon Junction for example, improvements to Mannamead Road or a provision of other bus services through Manadon as directed by the Highways Agency.</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>.</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> |
| HW12a To make available a sum of   | Yes .   |   | Yes .  | Yes .   |

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|---|---|--|---|--|
|   | In terms of policy context?   | In terms of other planning merits of the case? |   |  |
| <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>List main policies relied upon.</b><br/>           Sherford Area Action Plan policies SNC7</p> <p>North Plymstock Area Action Policies NP05.1, 33, NP07</p> <p>Plymouth Core Strategy policies CS 28, 33 &amp; 34</p> | <p><b>List other planning merits.</b></p>      | <p><b>Explanation.</b><br/>           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>Explanation.</b><br/>           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>Sherford Area Action Plan policies SNC7</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>  |

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|--|--|--|--|---|
|  | In terms of policy context?  | In terms of other planning merits of the case? |  |   |
| extra traffic generated by Sherford or delay to the bus.   | North Plymstock Area Action Policies NP05.1, 33, NP07<br><br>Plymouth Core Strategy policies CS 28, 33 & 34  |  | address the transport impact of the proposal and allow for suitable journey times for public transport through the development.  | and reasonable because the basis of the calculation is based on the transport impact of the proposal.   |
| 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<br><br>CF2 The Owners / Management Entity will retain ownership of and therefore management responsibilities for the community facilities, unless otherwise agreed by the Relevant Council. | Yes .  |  | Yes .  | Yes .   |
|  | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC1,4,5,8,9 & 10<br><br>North Plymstock Area Action Policies NP05.1,15, 48 | <u>List other planning merits.</u><br>○        | <u>Explanation.</u><br>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. | <u>Explanation.</u><br>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. |
| CF3 Provision for the adoption by the Relevant Council of a community facility shall be subject to:<br>• agreement to the principle and terms of such adoption by the Relevant Council; and<br>• payment of such appropriate commuted sums as the Relevant Council may agree.  | Yes .  |  | Yes .  | Yes .   |
|  | <u>List main policies relied upon.</u><br>Sherford Area Action Plan policies SNC1,4,5,8,9 & 10<br><br>North Plymstock Area Action Policies NP05.1,15     | <u>List other planning merits.</u><br>○        | <u>Explanation.</u><br>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.   | <u>Explanation.</u><br>The obligation is considered both fair and reasonable to ensure that each community facility provided will have the appropriate management arrangements.   |
| CF4 Provision for the transfer of a  | Sherford Area Action Plan policies   |  | The obligation is directly related to the  |   |

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|--|---|--|--|--|
|  | In terms of policy context?   | In terms of other planning merits of the case?     |  |  |
| <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>SNC1,4,5,8,9 &amp; 10</p> <p>North Plymstock Area Action Policies NP05.1,15</p>  |  | <p>development in that it is required to ensure that each community facility provided will have the appropriate management arrangements</p>  | <p>The obligation is considered both fair and reasonable to ensure that each community facility provided will have the appropriate management arrangements.</p>  |
|  | Yes .   |  | Yes .  | Yes .  |
| <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>List main policies relied upon.</b></p> <p>Sherford Area Action Plan policies SNC8</p> <p>North Plymstock Area Action Policies NP05.1, 10</p> <p>Sherford Area Action Plan policies SNC8</p> <p>North Plymstock Area Action Policies NP05.1, 9 &amp; 10</p> | <p><b>List other planning merits.</b></p> <p>o</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 is required to meet the needs of the new development.</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>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> |

| 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>to the commencement of development.<br/>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.<br/>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.<br/>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.<br/>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> |   |  |  |   |
| RMI A review shall be undertaken prior  | Yes .   |  | Yes .  | Yes .   |



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|--|---|--|---|---|
|  | In terms of policy context?   | In terms of other planning merits of the case? |   |   |
| <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 Assessors report and retail and leisure floor space provision, the progress against delivery requirements of Education and Health provision and of Transport matters.</p> <p>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>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC1 &amp; 17</p> <p>North Plymstock Area Action Policies NP05.1, 9 &amp; 10</p> | <p><b>List other planning merits.</b></p>      | <p><b>Explanation.</b><br/>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><b>Explanation.</b><br/>The obligation is considered both fair and reasonable to provide flexibility to review the detailed approach to delivery of development.</p> |
| <p>GI Bonds<br/>To provide Adequate Security in the</p>  | <p>Sherford Area Action Plan policies SNC1 &amp; 17</p>   |  | <p>The obligation is directly related to the development in that it is required to review the progress in delivery of development</p>   | <p>The obligation is considered both fair and reasonable to review the progress in delivery of development.</p>   |
|  | Yes .   |  | Yes .   | Yes .   |

| 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>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><br/>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. To pay the local authorities' costs of Viability work required to conclude the S.106.</p> | <p><b>List main policies relied upon.</b><br/>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>List other planning merits.</b></p>   | <p><b>Explanation.</b><br/>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>Explanation.</b><br/>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><br/>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>List main policies relied upon.</b><br/>Sherford Area Action Plan policies SNC2, 4, 5, 6, 7, 8,9, 10</p>  | <p><b>List other planning merits.</b></p> <ul style="list-style-type: none"> <li>o DTZ Viability Assessment (confidential)</li> </ul> | <p><b>Yes .</b></p> <p><b>Explanation.</b><br/>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><b>Explanation.</b><br/>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 Hulland, Devon County Council  
Bob Cocker, Plymouth City Council

Nigel Beckett, Redtree  
Miles Hodgson, Halcrow Group Ltd

## APPENDIX 6 (cont)

### Halcrow Group Limited

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Bristol BS1 6DG  
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### 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).