

## PLANNING APPLICATION REPORT

**Case Officer:** Tom French

**Parish:** Brixton **Ward:** Wembury and Brixton

**Application No:** 4175/21/VAR

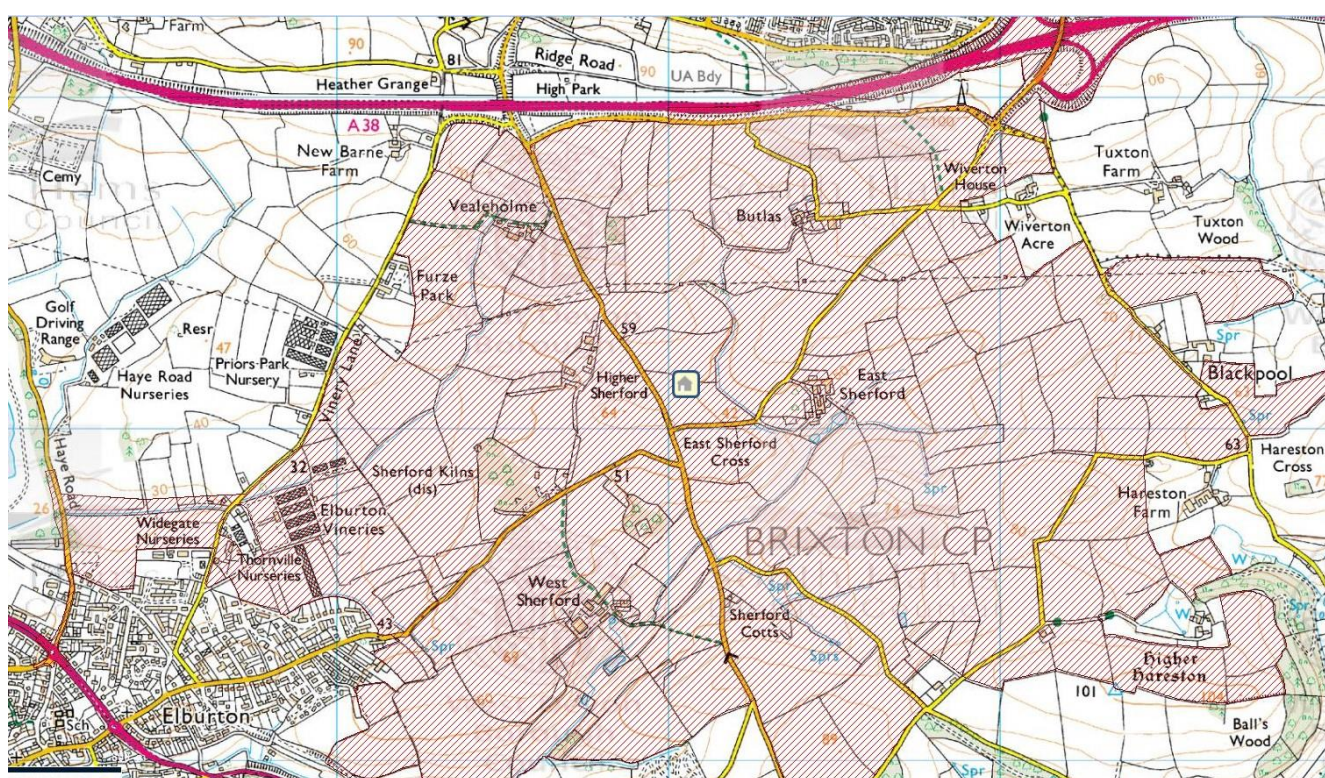
**Agent/Applicant:**

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AL3 6PQ

**Applicant:**

Sherford New Community Consortium  
C/O Agent  
St Albans

**Site Address:** Sherford Housing Development Site, East Sherford Cross To Wollaton Cross Zc4, Brixton, Devon



**Development:** READVERTISEMENT (Additional EIA Information Received)

Application to amend conditions 48 & 50 of 0825/18/VAR, to vary conditions relating to employment floor space in respect of the Sherford New Community.

**Reason item is being put before Committee:** At the request of the Cllr Brown due to the significance of the amendments to the Sherford scheme (which had been originally considered by the Development Management Committee)

**Recommendation:** To delegate authority to the Head of Development Management, in consultation with the Chairman of the Development Management Committee to grant conditional approval subject to a S106 with Plymouth City Council and Devon County Council, and to;

1. Make minor alterations to the planning conditions set out at the end of the report to ensure consistency and appropriate cross referencing to the S106; and
2. In the event that the S106 agreement remains unsigned six months after this resolution, that the application is reviewed by the Head of Development Management, in consultation with the Chairman of the Committee, and if no progress is being made delegated authority is given to the Head of Development Management to refuse the application in the absence of an agreed S106 agreement.

## **Conditions**

1. The original outline conditions as imposed upon 0825/18/VAR to be reiterated, but amended as necessary to reflect the proposed amendments (included in full at the end of the report).

## **S106 Obligation**

A Deed of Variation is required to ensure the existing S106 obligations continue, there are no proposed changes to the S106 agreement resulting from this application.

### **Key issues for consideration:**

Whether the proposed amendments to conditions 48 and 50 are acceptable and in accordance with JLP policies and national planning guidance.

### **Financial Implications (Potential New Homes Bonus for major applications):**

There are no direct financial implications of this application, but it is noted that the overall Sherford scheme will benefit from New Homes Bonus under the current arrangements. There is also a S106 obligation that ensures that the development is acceptable in planning terms which delivers in the region of £110m of infrastructure.

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## **Site Description:**

The outline application site relates to the development of an area of 490ha of largely agricultural land. The site is situated some 5 kilometres by road from the city centre of Plymouth to the south west of Deep Lane junction and approximately 3 kilometres to the north of Brixton and A379. The site is bound by the A38 to the north, and Vinery Lane to the west.

Sherford is a strategic development site, and naturally the site will evolve over time as the development is built out and new buildings and facilities come forward. Some 600 homes are already occupied in the western extreme of the site, known as phases 1.1 and 1A. Development recently commenced within phase 1B, and much of the land adjacent to phase 1.1 is a large building site. Planning permission was granted in 2021 for a further 700 homes in the phase known as 2D. The Main Street, which connects Haye Road in the west to Deep Lane to the far northeast of the site was recently completed ahead of the anticipated S106 trigger and now runs through the middle of the largely undeveloped parts of the site. The first primary school, which serves the western neighbourhood has been open since 2019.

## **The Proposal:**

This application seeks to amend conditions 48 and 50 of the outline permission, which relates to the delineation of commercial floor space. The amendments do not change the overall quantum of non-residential floor space that is consented, but does increase the permitted amount of E (g), B2 and B8 floor space that could be brought forward within the consented commercial area. The reason for this amendment is to reflect current market conditions and to allow for potential Freeport occupiers to come forward on land at the commercial area, which would otherwise not have been permitted under the current consent.

Since the 2018 approval, there has been an amendment made to the Use Classes Order, the conditions as proposed have also been amended to reflect the latest Use Class categorisation.

Conditions 48 and 50 of 0825/18/VAR stated;

*48. No development for buildings within the specified use class of the Town and Country Planning (Use Classes) Order 2017 shall exceed the total maximum area of gross floor space stated in the Table below, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this applies to the entire masterplan site including (when read together with 1593/17/VAR and 7\_49/2426/06/OUT) and development permitted by Plymouth City Council under planning permission reference 06/02036/OUT and 16/00247/OUT;*

<b>Land use</b>	<b>Gross floor space (sqm)</b>
A1	12834
A2,A3,A4,A5	3906
B1,B2,	53600
B8	13400
C1,C2	21390
D1,D2	49290
Sui Generis	930

*The delineation of land uses hereby permitted shall be as identified on the Land Use Key Fix Parameter Plan contained within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, but for the avoidance of doubt;*

- *The total A1-A5 permitted floor space must be situated across the three neighbourhoods and not within one single Neighbourhood;*
- *No more than 43,500sqm of the permitted B1-B8 floor space may be located within the Employment Park (as delineated on the Character Areas Plan);*
- *B1(c), B2 and B8 development shall only be permitted within the Employment Park (as delineated on the Character Areas Plan);*
- *B1(a) and (b) may only be accommodated within the Town Centre Mixed Use Centre.*

*Reason: To ensure that the development is carried out in a manner envisaged by the outline application.*

*50. Each Marketing and Delivery Strategy shall ensure that the following provisions apply;*

- a) *No one individual retailer (A Classes) shall exceed a floor space of 2500sqm;*

- b) *A minimum of 4000sqm of the permitted B1(c), B2 and B8 shall be in units of less than 235sqm; and*
- c) *No single B8 shall exceed 6000sqm*

*Reason: To ensure that the development is carried out in a manner envisaged by the outline application by ensuring that the proliferation of large units are controlled in the interests of providing a balanced and mixed community within the development without undermining surrounding centres.*

Following discussions with the applicant and consultees during the consideration of the application, it is proposed that conditions 48 and 50 be amended to;

48. No development for buildings within the specified use class of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall exceed the total maximum area of gross floor space stated in the Table below, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this applies to the entire masterplan site including (when read together with 0825/18/VAR, 1593/17/VAR and 7\_49/2426/06/OUT) and development permitted by Plymouth City Council under planning permission reference 06/02036/OUT and 16/00247/OUT;

<b>Land use</b>	<b>Gross floor space (sqm)</b>
E (a)	12834
E (b) (c) and Sui Generis (p, q, r)	3906
E (g), B2, B8	67,000
C1, C2	21390
E (d), (e), (f), F1 F2	49290
Sui Generis (excluding p, q, r)	930

The delineation of land uses hereby permitted shall be as identified on the Land Use Key Fix Parameter Plan contained within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, but for the avoidance of doubt;

- The total E (a), E (b) and Sui Generis (p, q, r) permitted floor space must be situated across the three neighbourhoods and not within one single Neighbourhood;
- No more than 46,000sqm of the permitted E (g) (i), (ii) and (iii) floor space may be located within the Employment Park (as delineated on the Character Areas Plan);
- E (g) (iii), B2 and B8 development shall only be permitted within the Employment Park (as delineated on the Character Areas Plan);
- E (g) (i) and (ii) may only be accommodated within the Town Centre Mixed Use Centre.

Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended), all development permitted by this consent, which relates to E (a) (b) (g) (i, ii and iii), B2 and B8 uses, shall be used only for the uses applied and for no other uses (including any purpose in Classes MA, G, H and U as applicable to the Town and Country Planning

(Use Classes Order) 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modifications.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application and to ensure a mix and range of employment opportunities are provided and retained.

50. The development hereby approved shall take place subject to the following provisions;

- a) No one individual retailer (Class E (a)) shall exceed a floor space of 2500sqm;
- b) A minimum of 3000sqm of the permitted E (g) (iii), B2 and B8 shall be in units of less than 500sqm.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application to ensure a mix and range of employment opportunities are provided, in the interests of providing a balanced and mixed community within the development without undermining surrounding centres.

The report sets out the scope of this S73 application in the analysis section below. The application seeks only to amend the conditions that regulate commercial floor space provision, there are no other changes proposed in respect of the wider Sherford development.

### **Consultations:**

The assessment of the application and the submitted information has been undertaken by Officers within the Urban Fringe Team. A number of those Officers who have provided comments internally are from the City Council and Devon County Council on behalf of South Hams.

### **Brixton Parish Council:**

*Whilst there is no proposed increase in the floor space on this site for commercial activity, the proposed flexibility in the use classes may increase the volume and type of traffic accessing and leaving this location. Brixton Parish Council recommends that all traffic entering and leaving this site should access/egress via the A38 only through the Deep Lane junction and not use Main Street as access to Plymouth or other locations in the South Hams and beyond.*

*Main Street is the planned high street for the town centre of Sherford which will have shops, cafes and open spaces. A high, or increased, level of regular additional large and small commercial vehicles, will impact on the developing identity of the town centre, increase noise and disturbance (both by day and at night) and will increase the risk of polluting emissions in these residential and business areas where the health and wellbeing of Sherford residents and visitors should be paramount.*

*Walking and cycling are seen to be the key activities for people living in Sherford and heavy traffic using Main Street as a thoroughfare is contrary to the long term vision for the town of Sherford. Currently, due to road works, Main Street is being used to access the Plymstock and South Hams leading to congestion and long queues (of idling vehicles) in the occupied residential areas particularly at peak times adding to the risk of pollution.*

*This site is also close to planned residential areas and the issues of noise, disturbance, light pollution, opening hours need to be considered. Plans for the improvement of the junction at Deep Lane from Sherford triggered by the completion of 1,300 houses need to be progressed in tandem with plan for this application to ensure that Main Street is not used by traffic exiting and entering this site.*

### **National Highways:**

Previous Response:

*National Highways issued its formal response to the application on 18 February 2022. On the basis that an increase to the quantum of B8 floor space (and unit size) will result in variations to associated vehicular travel patterns against those previously assessed, we requested an updated trip generation and distribution and assignment assessment to determine the impact of the proposal on the safe operation of the A38 and its junctions.*

*Proposed Variation of Conditions 48 and 50*

*The variation of Conditions 48 and 50 will facilitate the increase in the permitted floor area of any B8 unit, a minor increase in the quantum of B1-B8 floor space permitted on the Employment Park and a likely reduction in the number of B1-B8 units of less than 235sqm across the wider masterplan site.*

Position Update:

*Subsequent to our response dated 18 February the applicant submitted a revised Technical Note to assess the variations to trip generation, distribution and assignment resulting from the proposal. On the basis of the presented assessment and our own analysis we consider the proposal unlikely to result in an unacceptable impact on the safe operation of the A38 and its junctions, as defined by NPPF. We therefore offer no objection to application 4175/21/VAR.*

### **Devon County Highways**

No objections, the following observations were offered;

Original observations dated 3rd February 2022

*From the highway authority's perspective it is understood that the employment floor space will not be varying to a noticeable extent from the permitted development on the site. The use of larger floor area buildings may, however, vary the pattern of travel to and from the site and may also have a possible effect on the trip generation and traffic patterns from the site in general.*

*In order for the highway authority to assess the suitability of this variation, it would be beneficial to have an analysis which examines the effect that larger floor space buildings may have upon those two aspects.*

*The highway authority reserve the right to comment further upon receipt of that additional and supplementary information*

Further observations following receipt of additional information, particularly Technical Note 10: Response to National Highways and Devon County Council;

*The applicant has provided the additional information required in the original response to the application and has looked in more detail at the proposed trip generation characteristics of the varied composition of development that is now applied for.*

*The highway authority accepts the details and conclusions in the technical note and is therefore in general agreement with the content of the technical note and there are therefore no objections to the application from a highway safety point of view.*

### **Plymouth City Council**

*PCC supports the delivery of the Sherford New Community. The development is included within the adopted Plymouth and South West Devon Joint Local Plan (JLP), notably at policies SPT1, SPT2, SPT3, SPT4, PLY2, PLY48, and PLY49. Sherford as a unique sustainable neighbourhood with a distinctive character providing a range of quality homes and job opportunities, educational, community, recreational and leisure facilities including a new community park, a thriving town centre and local centres meeting people's day to day needs, and so will meet the strategic objectives of the JLP at SO1, SO5, SO6 and SO11. It is noted that the application only applies to development that sits within the South Hams District Council's area so the following comments relate only to those matters that have cross border implications.*

#### **Highways:**

*No objections are raised to these proposals as the neighbouring highway authority, as B8 units result in fewer traffic movements than B1/B2. However, the rewording of the condition potentially allows for higher numbers of B1/B2 units than currently permitted, but the TA does not consider the potential impacts of that scenario. The highway authority suggest this is either included within a revised TA, or the planning authority look at rewording the condition to limit the amount of B1 and B2 to the levels currently assessed.*

#### **Economic Development:**

*The Plymouth City Council Economic Development team is supportive of the proposed S73 application to vary conditions on the Sherford permission relating specifically to the employment floor space. The Economic Development Team looks forward to this variation facilitating delivery of the Plymouth and South Devon Freeport thereby supporting economic growth for the wider region.*

### **Joint Local Plan Team**

With regard to application 4175/21/VAR, the JLP team have no objections subject to the following points being addressed:

*The proposal site falls within allocated site PLY48, which, amongst other uses, identified a need for 67,000sqm of employment floor space. This floor space contributes to the wider employment needs identified within the JLP as expressed within policy SPT4.*

*The allocation policy itself does not prescribe specific amount of floor space by use classes, but the current outline conditions do, and it is a reconfiguration of this that forms the substance of the application. The applicant is seeking to change the previous requirement of B1, B2 – 53,600sqm and B8 – 13,400sqm to a combined B1, B2 and B8 requirement of 67,000sqm.*

*There is no net loss of employment floor space proposed, and the overall figure aligns with the expectations of the allocation policy.*

*However, the proposal does raise some broader placemaking questions, B8 uses generate a lower jobs per square metre than B1/B2 and as such the proposal could result in lower overall job creation.*

*However, good placemaking should also be responsive to change, and seek to enable and promote a competitive local economy that creates opportunities that the market can respond to. In this regard, the challenges of the last two years for commercial property both within Plymouth and around the urban fringe should not be underestimated. Whilst this proposal does potentially seek to reduce the amount of B1 and B2 floor space delivered within the allocated site, the bigger picture suggests that there is already a sufficient level of vacancy (primarily as a result of short-term impacts of the pandemic) within the city to absorb any latent demand from B1 and B2 business in the short to medium term anyway.*

*There may be potential risks associated with refusing this application, should the LPA wish to retain the conditions which specify up to 53,000sqm of B1 and B2 floor space, such is the uncertainty over the level of demand for this floor space post-covid. It should not be overlooked that the original outline consent and subsequent variations can be considered to reflect the employment market at the time they were first drafted, and that those market conditions almost certainly do not prevail now. In addition, the designation of the Freeport, which includes areas of the Sherford allocation, represent opportunities for investment that cannot have been foreseen by the original 2013 outline consent and subsequent variations.*

*The proposal to allow for greater flexibility of B1/B2/B8 employment floor space at Sherford does not conflict with the wording of the allocation policy. However, the wider aims of policy SPT4 are to ensure that a broad range of employment floor space is delivered to maximise diversity of opportunity and to build resilience within local employment markets, and that is one of the reasons that the proposed rewording of the employment floor space should not be agreed without further amendment to reflect the existing aims of the condition, which require a defined quantum of smaller units.*

*The other reason that further amendment is required is that use class B1 does not exist anymore, and that the revised wording needs to create a clear expectation that use class E(g) and B2 will form part of the mix of employment opportunities for the benefit of new residents at Sherford.*

*Indeed, if the wording within the conditions is going to change to reflect a different expectation for employment use classes, it makes sense to update all of the categories to reflect the changes to the Use Class Order 2021, particularly with regard to former A uses, and to identify a clear figures for E (g) and B2.*

### **Devon County Council Lead Local Flood Authority**

No in-principle objections to the above planning application, from a surface water drainage perspective.

### **Environment Agency**

No objection subject to retention of conditions relating to watercourses and Construction Environment Management Plan (CEMP)

### **Representations from Residents**

12 Letters of representation were received and cover the following points:

General



- Clarification sought over proposal
- Residents still waiting for other facilities to be delivered, e.g. shops/leisure centre
- Concern that removing the B8 building size limit will allow for large buildings, which will dominate the commercial area
- Available commercial land at Langage
- Impact that large B8 buildings could have on the gateway to Sherford
- General objection to the Sherford development on ground of environmental damage, loss of agricultural land, loss of trees and increased air and noise pollution.

#### Highways General

- Proposal not in original plan and not within spirit of development, will result in increase traffic in a residential area, including a road that children cross to go to school
- Concern that a parcel distribution company will result in significant highway issues

#### Highways Plympton St Maurice

- Impact on Plympton St Maurice has not been adequately considered
- Plympton St Maurice Civic Association committee request that the S106 contribution for Bullers Hill traffic works be increased from £25,000, to £75,000 in order to fund the suggested options to alleviate traffic entering Plympton St Maurice
- The future of Plympton St Maurice and its Conservation Area is under threat from it being used a rat run, traffic monitoring on Bullers Hill has shown increases in traffic 15-20%

### **Relevant Planning History**

Within the application site boundary there have been a range of planning applications for agricultural and householder proposals, as well 'reserved matters' applications associated with the current phase of Sherford. None of these have a bearing on this development and are not relevant for the purposes of determining this application.

The relevant planning history for the application is as follows;

7\_49/2426/06 – Conditional Approval for “Sherford” New Community (see application for full development description).

0825/18/VAR – Variation of conditions 3 (approved drawings), 6, 7, 8, 10, 11, 12, 13, 14, 18, 19, 20, 21, 26, 28, 35, 36, 45, 46, 52, 53, 54, 57, 66, 67, 68, 69, 70, 71, 99, 100, 101, 102, 104, 106, 107 and 110 and Informatives of outline planning permission ref. 1593/17/VAR to accommodate proposed changes of the Masterplan in respect of the 'Sherford New Community' – Conditional Approval

### **ANALYSIS**

#### Scope of Section 73 Application

Section 73 of the 1990 Town and Country Planning Act allows for applications to be made, which vary or remove conditions associated with a planning permission. Whilst approval of this application would renew the outline consent, the principle of the development has already been established by the extant permission in place. In order to take a proportional approach

to the consideration of this application, the scope of focus is limited to the changes being sought and not the wider Sherford development.

This application seeks to amend conditions 48 and 50, which relate to the regulation and delineation of non-residential floor space and use class mixes across the Sherford development. Whilst the conditions apply to the whole site, the specific changes being sought primarily apply to the scale and form of development which would subsequently be permitted to come forward within the commercial area.

### Principle of Development

The principle of the development that could come forward within the commercial area was established under application 0825/18/VAR, and the reasoning for the existing conditions were outlined in the report, which stated;

#### Commercial Area

*The revised masterplan includes proposals for a designated 13ha commercial area close to the Park and Ride. This is markedly different to the previous strategy that assumed a finer grain proposal where the majority of employment space was proposed to be delivered within smaller units through mixed use areas. The original plan did however envisage that larger B2 and B8 units would be permitted along the northern edge of the site, and would effectively act as a noise barrier to the A38. The proposed quantum of floor space is not changing as part of this application, however the majority of the B1-B8 floor space will now be situated within the consolidated area by the A38 rather than approximately half being integrated throughout the development. This will improve the commercial proposition of delivery whereas the previous commercial strategy required a significant market of end users willing to occupy small units within residential parcels. The location to Deep Lane junction would also improve the marketability and assist with delivery.*

*The application also seeks to vary conditions attached to the principal permission that restrict these to predominantly small premises, which was previously necessary in recognition of their residential proximity. Again, the flexibility to seek larger units will help improve the commerciality of the area, and ensure potential investors are not deterred by restrictive planning conditions. The previous conditions restricted units to very small units of approximately 235sqm, which is unattractive to most commercial tenants looking for office and manufacturing spaces. Clearly Sherford should not be competing with Langage as the strategic employment space within the Plan area, but it is considered acceptable to enable modest sized units to be situated at Sherford, should commercial operators be looking to locate there. It is recommended however that conditions are still applied to ensure maximum limits are imposed to prevent excessively large units that would not sit within the landscape and topography of the site, prevent the entire permitted floor space being taken up by just a handful of operators and thus not provide a range of employment opportunities, and undermine the strategic importance of Langage.*

*It is recognised that this approach will significantly change the dynamic of employment opportunities within Sherford. Formerly the approach concerned small units to reinforce the potential for self-reliance and local business growth from the new community itself, but initial market studies supported by Officers at both South Hams and Plymouth, suggest that the market would be slow and there would be very little take up for such units. The flexibility being sought through the application, and notably providing a higher*

*concentration by Deep Lane, offers a more dynamic response to the market particularly if a suitable business wishing to locate at Sherford turns up. Inevitably, this will be at slight odds with the original vision and would mean that Sherford as an employment offer becomes a more sub-regional asset as opposed to being very much specific to Sherford itself. Inevitably however, the JLP supports delivery of 67,000sqm of employment provision at Sherford as this contributes towards the required 312,700sqm of floor space to be delivered through the Plan period as identified at SPT4. The proposals are therefore deemed acceptable, as this will assist with the delivery of a wide range of employment opportunities.*

## Freeport

Since the grant of outline consent, South Hams District Council, Devon County Council and Plymouth City Council joined forces in a bid to unlock £35 million pounds of funding for the area by putting in a Freeport bid. It is anticipated that Freeport designation for Plymouth and South Devon will result in the unlocking of millions of pounds worth of funding for the region. It will encourage a resurgence of economic activity with businesses more inclined to open in the area, creating thousands more jobs and bringing vast investment into the local community. The Freeport designation and progression has been a key aim for the councils involved in order to aid faster local economic recovery following the difficulties of the past two years and the unprecedented challenges brought about by Covid-19.

Following legislation being laid, known as Statutory Instruments (SI), for 21 days prior to activation, Government approval of the Outline Business Case means that two of the three Freeport tax sites, South Yard and Sherford, are now designated and the Plymouth and South Devon Freeport officially active from 4 July. These sites were originally identified at the bid stage as undeveloped and under-utilised land suitable for generating new, additional productive activity. The third site, Langage within the South Hams, will likely follow with designation in the autumn.

The Freeport zone at Sherford covers an area of 7.9 Hectares within the commercial area.

## Need for Variation Application

Following the grant of 0825/18/VAR, a Commercial Board was also established to consider how the commercial area should come forward, mindful of market conditions and expressions from potential occupiers. The Commercial Board is made up of elected members, economic development officers and representatives from the Sherford consortium. Through conversations held in this board around potential occupiers that might benefit from the inclusion of the Freeport status, as well as the need for greater flexibility, a variation to the existing consent was felt to be necessary to enable the type of development being considered to come forward.

## Compliance with policy

The current JLP policies support the provision of employment floor space at Sherford, with the outline consent directing only B2 and B8 to be situated within the commercial area. This application does not change that. The application does however remove the specific caps to those individual B class uses, which as such would permit a larger quantum of one of those categories to come forward than previously allowed. Consequently fewer B1 (E (g)) or B2 uses may come forward as a result of this permission. This proposal to allow greater flexibility

between B1/B2/B8 (now E (g)/B2/B8) does not conflict with the wording of JLP policy PLY48, nor would it undermine the objectives of JLP policy STP4.

The previous permission also sought to cap B8 premises to buildings no larger than 6000 sqm. However in order to facilitate premises envisaged though the Freeport, it will be necessary to remove this cap as indicated in the proposed conditions. As it is recognised that only a limited area of the commercial area will benefit from the Freeport designation, and in recognition of the wider aims of SPT4 to ensure that a broad range of employment floor space is delivered to maximise diversity of opportunity and to build resilience within local employment markets, it would be desirable to retain the requirement for smaller units, which would allow for local businesses to start up in Sherford. Therefore in order to maintain smaller units, an allocation of 3000sqm of B1 c (now E (g) (iii)) in units of less than 500sqm has been agreed with the applicants.

Condition 48 has also been amended to remove permitted development rights afforded by Class 3 of the GPDO, which allows for various changes of use under a prior approval procedure.

### Retail

The application does not seek to alter either retail floor space provision or the approach towards the delivery of the retail provision. 16,700sqm to be provided across the three neighbourhood centres is still proposed. The amended condition reflects the amended Use Class Order, however, the provisions remain the same.

### Highways Considerations:

As outlined above the quantum of non-residential floor space remains unchanged, however with greater flexibility for development to come forward between the E (g), B2 and B8 use classes. Both National Highways, who are responsible for operating, maintaining and improving the strategic road network and Devon County Council (DCC) as the Highway Authority raised the issues that the use of larger floor area buildings may vary the pattern of travel to and from the site and may also have a possible effect on the trip generation and traffic patterns from the site in general.

The applicants submitted a revised Technical Note to assess the variations to trip generation, distribution and assignment resulting from the proposal. This technical note was considered by both National Highways and Devon County Council Highway Authority.

National Highways concluded that *'On the basis of the presented assessment and our own analysis we consider the proposal unlikely to result in an unacceptable impact on the safe operation of the A38 and its junctions, as defined by NPPF. We therefore offer no objection to application 4175/21/VAR'*

DCC Highways concluded that *'The applicant has provided the additional information required in the original response to the application and has looked in more detail at the proposed trip generation characteristics of the varied composition of development that is now applied for. The highway authority accepts the details and conclusions in the technical note and is therefore in general agreement with the content of the technical note and there are therefore no objections to the application from a highway safety point of view.'*

The submitted Transport Assessment (TA) and subsequent Technical Note has concluded that the potential trip generation resulting from this proposal does not exceed the trip generation modelling already assessed as part of the submitted TA through the outline consents. It is therefore considered that the proposal does not alter the assumptions made regarding the impacts to the surrounding highway network. Despite requests to amend the S106 agreement regarding the mitigation necessary at Bullers Hill, on the basis that the proposal will not result in significant changes to the transport impacts arising from the proposal, there would be no justification for this. Officers are aware of ongoing concerns raised by Plympton St Maurice residents, but are mindful that there are mitigation measures already outlined in the S106 agreement to be implemented by the Highway Authority's, and discussions are ongoing as to the form this might take.

Brixton Parish Council as well as public comments raised the issue of increased traffic on Main Street, the town centre and the wider Sherford community. As outlined above, it has been concluded that this amendment will not result in greater trip generation that has already been consented. Brixton Parish Council has also sought to require restrictions that only permit access and egress to the commercial area via Deep Lane only. It is however not possible to secure an enforceable mechanism through the planning system to restrict this, as it has been concluded that this amendment will not result in any greater trip generation that has already been consented. However, this would not preclude the Highway Authority, if once constructed and operational, to impose appropriate traffic management options should particular highway safety concerns be identified.

PCC Highways made comments regarding the potential for greater B1/B2 uses, which would generate higher volumes of traffic than B8 uses, and sought to impose restrictions capping B1/B2 to that which is outlined in the current consent. It is recommended however that this would be unnecessary, as has already been noted there is a lack of demand in the area for B1 (E (g)) uses.

### S106 Obligations

The proposal will require a supplementary deed to tie the new permission back to the original S106 agreement. As outlined within this report, the changes proposed under this application do not necessitate changes to the S106 obligations.

### Conditions

The current outline permission was subject to some 92 planning conditions. Some of these have already been satisfied where these relate to pre-commencement strategies or early infrastructure.

Where these have already been satisfied, it is necessary to ensure that these are reflected in any conditions attached to the variation permission to ensure the permission is conditional against those works or mitigation. Those consequential changes are as set out within the recommended conditions.

The conditions as recommended set out at the end of the report have been discussed with the applicant who are in agreement.

### Other Matters

The site falls within the Zone of Influence for the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). A Habitats Regulation Assessment (HRA) was produced by the council, supported by the Ecology Officer for 0825/18/VAR, which was agreed by Natural England and concluded that with mitigation the development would not have an adverse effect on the SAC/SPA. The HRA still applies to this proposal, and does not require amendment.

The potential impact on residential occupiers situated near the commercial area was raised by Brixton Parish Council. As the location of the commercial area remains unchanged and there are already conditions in place that ensure residential amenity are safeguarded, and such measures should be included within reserved matters applications, it is therefore considered that neighbouring residential units are not adversely impacted by the development.

## Conclusion

The proposed changes to conditions 48 and 50 of 0825/18/VAR as recommended here are considered to accord with the relevant development plan policies as set out in the report above, the application is therefore recommended for approval.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.***

## **Planning Policy**

### Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)\* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13<sup>th</sup> January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None". Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[\*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT3 Provision for new homes  
SPT4 Provision for employment floor space  
SPT5 Provision for retail development  
SPT6 Spatial provision of retail and main town centre uses  
SPT7 Working with neighbouring areas  
SPT8 Strategic connectivity  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
SPT13 Strategic infrastructure measures to deliver the spatial strategy  
SPT14 European Protected Sites – mitigation of recreational impacts from development  
PLY48 Sherford new community  
PLY49 Sherford Community Park Strategic Greenspace  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV4 Playing pitches  
DEV5 Community food growing and allotments  
DEV7 Meeting local housing need in the Plymouth Policy Area  
DEV10 Delivering high quality housing  
DEV14 Maintaining a flexible mix of employment sites  
DEV16 Providing retail and town centre uses in appropriate locations  
DEV17 Promoting competitive town centres  
DEV18 Protecting local shops and services  
DEV19 Provisions for local employment and skills  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV22 Cornwall and West Devon Mining Landscape World Heritage Site  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV30 Meeting the community infrastructure needs of new homes  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV33 Renewable and low carbon energy (including heat)  
DEV34 Community energy

DEV35 Managing flood risk and Water Quality Impacts  
DEV36 Coastal Change Management Areas  
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

### **Neighbourhood Plan**

The Sherford New Community falls outside the Brixton Neighbourhood Plan area.

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Conditions**

1. This permission authorises amendments to planning permission reference 0825/18/VAR subject to the revised conditions below, and for the avoidance of doubt, trigger points referred to herein shall be read together and in combination across the masterplan site and not separately.

Reason: To ensure that the development is carried out as envisaged, save in relation to this amendment, and in recognition that development under the original consents have commenced.

2. All applications for the approval of all of the Reserved Matters (as required by condition 4 below) for all parts of the masterplan site (referred to as "Reserved Matters sites") shall be submitted to the Local Planning Authority for approval by no later than 14th August 2030.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended) in recognition that the site will be phased over many parcels of development and to ensure that the suitability of the development may be reviewed against the provisions of the prevailing development plans.

### **Approved Drawings**

3. The development hereby permitted shall be carried out in accordance with the submitted drawings and documentation which are hereby approved, unless otherwise provided for in any other conditions attached to this permission. A schedule of the submitted drawings and documentation are set out in the "Informatives" section of this Decision Notice.

Reason: To ensure that the proposed development is carried out as envisaged by the application to which this approval relates and that there is a clear framework for the submission of any of the details as required by the following conditions.

### **Reserved Matters**

4. With the exception of development comprising the Main Street, no development pursuant to this outline permission shall commence on any part of the site until the approval of the



details of the appearance, layout and scale of the buildings, the means of access thereto, and the hard and soft landscaping (hereinafter called the "Reserved Matters") for that part of the site has been obtained in writing from the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: The application is for outline planning permission with approval of the specified details still required in accordance with Section 92 of the Town and Country Planning Act 1990 (as amended).

5. Detailed plans and particulars of the Reserved Matters required by condition 4 above, shall be submitted together for each Reserved Matters site (unless otherwise agreed in writing by the Local Planning Authority) and shall include finished floor levels and existing and proposed ground levels in relation to a fixed datum, and scaled cross-sections through the Reserved Matters site and adjacent land. Development shall be carried out strictly in accordance with those approved details.

Reason: To ensure that full and adequate information is provided to enable proper assessment of the proposed development.

6. The submission of all Reserved Matters and the implementation of the development hereby permitted shall be carried out in accordance with the mix and disposition of land uses outlined within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, and the implementation strategies contained therein, and in broad conformity with the layout identified on the Land Use Key Fix Parameter Plan and the Parameters Plans as listed out in Informative 2, or in accordance with any Neighbourhood Design Code submitted pursuant to condition 10 (or any subsequent amendment to the Land Use Key Fix Parameter Plan or the Parameters Plans which may be subsequently approved in writing by the Local Planning Authority).

Reason: To ensure that there is a clear framework for both the development and for the submission of applications for Reserved Matters approval.

7. Unless otherwise agreed in writing by the Local Planning Authority, the Main Street, and external boundary of the urban development hereby approved shall be as shown on the approved Land Use Key Fix Parameter Plan.

Reason: To ensure that there is a clear framework for both the development and for the submission of applications for Reserved Matters approval.

## **Phasing**

8. The development hereby permitted shall be carried out in accordance with the Phasing Strategy and Phasing Plan as set out in chapter 10 of the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F, or any subsequent version of the Phasing Plan that has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, residential development shall be carried out in the sequential order as outlined within the Phasing Plan.

Reason: To ensure that there is a clear and phased framework for both the development and for the submission of applications for Reserved Matters approval so that the development is carried out in a sustainable and coherent manner.

9. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 4 shall include a phasing plan for that Reserved Matters site. The phasing plan shall set out the timescale for implementation and delivery of all land uses located within that Reserved Matters site, landscaping and open space and (where applicable) adoption. No development within that Reserved Matters site shall be commenced until such phasing plan has been approved in writing by the Local Planning Authority.

Reason: To ensure that the development of sites in which Reserved Matters approval is sought is carried out in a sustainable and coherent manner.

### **Neighbourhood Design Codes**

10. All applications for Reserved Matters approval pursuant to condition 4, shall be accompanied by a design statement, which shall explain how the development within that Reserved Matters site conforms to the requirements of the design and access statement and an approved neighbourhood design code. For the avoidance of doubt, all applications for Reserved Matters approval for development within the Employment Park shall be submitted in accordance with the approved Neighbourhood Design Codes pursuant to planning references 4157/20/ARC, unless an alternative Neighbourhood Design Code for that area are subsequently agreed in writing by the Local Planning Authority. For all remaining parts of the site, a Neighbourhood Design Code and indicative masterplan shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of the first Reserved Matters application within that neighbourhood as defined by the Character Areas Plan contained within the Design and Access Statement June 2018 and September 2018 addendum Rev F, prior to the submission of the first Reserved Matters application for development within that neighbourhood. The Neighbourhood Design Code and indicative masterplan shall be prepared in accordance with the requirements of Principle 02 and the tables contained therein of Chapter 2 of the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F.

Reason: To ensure that the development as envisaged by the outline application is satisfactorily implemented.

### **Energy**

11. The development shall be carried out in accordance with the approved Energy Strategy Review 2018 10334/RE/001 rev4 (as submitted pursuant to the requirements of 49\_7/2426/06/O), unless other such details are subsequently submitted to and approved in writing by the Local Planning Authority. The Neighbourhood Design Codes and subsequent applications for Reserved Matters approval shall clearly demonstrate how the proposals will contribute to meeting the targets agreed therein. Detailed plans and particulars for the reserved matters shall include a statement to demonstrate how that application will deliver the required carbon reductions as set out in the approved Energy Strategy Review.

Reason: To ensure that the cumulative provision of measures to achieve the on-site carbon reduction targets can be appropriately phased and implemented throughout the construction phase, in the interests of providing a higher sustainable community that reduces the causes that result in climate change.

## **Building Standards**

12. All non-residential buildings to be built at the development hereby permitted, shall be constructed so as to achieve an 'Excellent' BREEAM rating unless a different rating is specified by the end user. Following completion of any such building, a formal assessment shall be undertaken by a licensed BREEAM assessor and a copy of that assessors report, along with the Certificate, shall be issued to the Local Planning Authority prior to the occupation of any such building.

Reason: To ensure that the development exhibits best practice in sustainable construction techniques so that its contribution to causes that result in climate change are significantly reduced.

## **Drainage**

13. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include a detailed scheme for the provision of a surface water drainage management system on and off that Reserved Matters site. The detailed scheme shall be consistent with the proposals and principles of the Flood Risk Assessment 10376/FRA/03 as contained within the Environmental Statement February 2018 and Environmental Statement Addendum June 2018 and the Surface Water Drainage Strategy as shown on the Drainage and Hydrology plan outlined in the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F and in accordance with the principles of the approved Neighbourhood Design Code for that part of the site. The surface water drainage management system shall be informed and evidenced by a programme of percolation tests carried out in accordance with BRE Digest 365 Soakaway Design (2016) across a representative number of test sites across the development area with focus on the locations and depths of the proposed infiltration devices. The scheme shall also be informed by the results of a groundwater monitoring programme, undertaken over a period of 12 months over that part of the site (unless a different period is agreed in writing by the Local Planning Authority). The details provided should also take into account overland flows, and details of exceedance routes for events where the design standard has been exceeded such that these flows will not increase the risk of flooding of properties on and off the site and or to Third Party Land including the highways outside the site, and that exceedance flows should be intercepted and contained on the site and are directed away from areas of public access unless forming part of the surface water drainage management system. The detailed scheme shall also include a timetable of works and details of how the system will be managed and maintained. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved specification and timetable. No development within the Reserved Matters site shall be occupied until the detailed scheme for that Reserved Matters site is fully implemented.

Reason: To ensure that there are satisfactory measures for disposing of surface water so to avoid the risk of flood and pollution to the water environment.

14. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include detailed proposals of the main and foul water drainage for the area to which that Reserved Matters application relates. The details shall accord with the Flood Risk Assessment 10376/FRA/03 as contained within the Environmental Statement February 2018 and Environmental Statement Addendum June 2018 and shall be fully implemented prior to the occupation of any building within the Reserved Matters site. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority.

Reason: To ensure that there are adequate proposals for the treatment of the main and foul water drainage so to avoid pollution to the water environment.

15. No oils, fuels or chemicals shall be stored on any part of the site unless details of the storage facility, including measures for containing accidental releases to the environment, have been submitted to and approved in writing by the Local Planning Authority, and until such a storage facility has been implemented in accordance with the approved details.

Reason: To ensure that the environment and amenities of the area are safeguarded against pollution.

16. No sewage or trade effluent (including cooling water containing additives, vehicle washing effluent and steam cleaning effluent) shall be discharged to the surface water drainage management system.

Reason: To prevent pollution to the water environment.

17. Vehicle loading or unloading bays and storage areas involving chemicals or other pollutants shall not be connected to the surface water management system.

Reason: To prevent pollution to the water environment.

### **Landscape and Ecological Management Strategy (LEMS)**

18. The development hereby permitted under this permission shall take place in accordance with the Landscape and Ecological Management Strategy (hereafter referred to as the LEMS), approved pursuant to planning reference 2123/19/ARC.

The LEMS shall be updated every five years or prior to the first Reserved Matters application for a subsequent Neighbourhood (whichever comes sooner) as outlined on the Character Areas Plan, which shall be submitted and approved by the Local Planning Authority.

*Any updated or amended version of the LEMS shall pull together all of the mitigation and Green Infrastructure requirements outlined within the Environmental Statement February 2018 and Environmental Statement Addendum June 2018, and the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F and shall include;*

- a) *The strategic ecological and landscape vision and management objectives for the site;*
- b) *Baseline summaries for ecology, landscape and arboriculture;*
- c) *A plan showing and naming component Green Infrastructure areas for example; the Community Park, Sherford Quarry Wood Corridor, Sherford Stream Corridor, A38 Corridor, other woodlands, and neighbourhood areas;*
- d) *A Neighbourhood and Green Infrastructure Phasing plan and delivery schedule (which outlines the action/timetable/trigger/responsibilities) identifying delivery of Green Infrastructure components to be provided as part of each Neighbourhood as defined on the Character Area Plan and Community Park Phasing Plan. For the avoidance of doubt, bat road crossings required for the Main Street and Northern and Southern Avenue should be identified separately within the delivery schedule;*
- e) *Headline Green Infrastructure Plans for each Neighbourhood and Green Infrastructure component identified in subsection d) above setting out the key aims and objectives for ecology, landscape, access, and water management;*
- f) *A Habitat Balance Sheet proposed for each Neighbourhood and Green Infrastructure phase (as outlined in the Neighbourhood and Green Infrastructure Phasing Plan above);*
- g) *A Dark Corridors Plan, based on Figure 7.18 of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018, which should set clearly the extent, minimum width and light levels to be established within each identified Dark Corridor proposed. The Plan should also outline how light levels shall be achieved;*
- h) *A framework for monitoring to ensure implementation of construction avoidance, mitigation, compensation and enhancement measures and the long term delivery of the proposed green infrastructure and species-specific ecological measures. A programme and framework for the reporting monitoring outcome to the Local Planning Authority should also be defined;*
- i) *Measures to ensure that all Green Infrastructure proposals include provisions for safeguarding against the degradation of archaeological features.*

*Reason: To ensure that the Green Infrastructure and public open space envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 are planned in a satisfactory manner as an integral part of the overall development.*

## **Neighbourhood Green Infrastructure Plans**

19. Prior to the approval of the first Reserved Matters Application, pursuant to condition 4 above, within a Neighbourhood, or as or as outlined within the Neighbourhood and Green Infrastructure Phasing Plan referred to in condition 18 sub d) above, a Neighbourhood Green Infrastructure Plan shall be submitted and approved in writing by the Local Planning Authority. Each Neighbourhood Green Infrastructure Plan shall be based on the approved LEMS and shall include the following details;
- a) Aims and objectives for the components of Green Infrastructure within that area (as identified in condition 18 sub c) above);
  - b) An up to date ecological baseline for that area;

- c) Details and specifications consistent with the aims and objectives outlined within the Design and Access Statement, Neighbourhood Design Codes, Earthworks Management Strategy, and Archaeology WSI, unless otherwise agreed, setting out;
  - i) Design and function of key features;
  - ii) Planting specifications, size (to HTA standards), numbers, density and establishment requirements;
  - iii) Management and use of appropriate soils;
  - iv) Access, bins, shelter and interpretation provision;
  - v) Design, creation and management of play areas and other hard landscaping;
  - vi) Creation of SUDS;
  - vii) Proposals for public interpretation and engagement with the results of archaeological work undertaken;
  - viii) Bat road crossings (culverts and/or hop overs) and associated planting with scaled plans (1:100) and cross sections. For the avoidance of doubt, the bat crossing situated to the east of Vinery Lane as indicated on the Indicative Dark Corridors Strategy Figure 7.18 of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 shall be built in accordance with the details and particulars submitted to and approved pursuant to application reference 7\_49/0351/15/DIS; and
  - ix) Management of invasive species
- d) A timetable for the implementation of works to ensure the components meet the requirements of the LEMS;
- e) A Light Strategy, informed by lux contour plans, to ensure that strategic dark corridors and bat road crossings are created which include a minimum corridor width of 10m or less than 0.5lux, in accordance with the requirements of the LEMS;
- f) Other species mitigation measures;
- g) A landownership plan to define areas under private ownership, Management Company or third party control;
- h) Management prescriptions of the Green Infrastructure area for soft landscape, hard landscape (including play areas and street furniture) and species mitigation and enhancement, supported by a 12 month and 10 year schedule and responsibility matrix.

The details above shall be provided on detailed drawings and cross sections at a scale of 1:200 scale, and 1:20 for tree pit details, or as unless otherwise required by the conditions above.

The Neighbourhood Green Infrastructure Plans should also include a Biodiversity Monitoring Strategy to ensure that ecological avoidance, mitigation, compensation and enhancement measures are delivered. Such a strategy shall include;

- i) Aims and objectives of monitoring;
- ii) Methods for monitoring (including analysis, timing and duration);
- iii) Responsible persons; and
- iv) A review and reporting regime (including to the Local Planning Authority) together with a remediation procedure.

The Green Infrastructure shall be laid out strictly in accordance with the approved details within the timeframes outlined within d) above, and shall be retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the Green Infrastructure and public open space envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 are planned in a satisfactory manner as an integral part of the overall development.

## **Water Courses**

20. Details of the Neighbourhood Green Infrastructure plans which include works to or adjacent to a watercourse, shall include a strategy for the restoration and enhancement of that watercourse where appropriate. The strategy shall include;
- A review outlining which redundant structures within each watercourse shall be removed or improved to enhance the quality of the watercourses for fish and aquatic wildlife and all opportunities for re-naturalising the watercourses with natural features;
  - Plans detailing the extent and layout of a buffer zone adjacent to the watercourses including details of landscaping and any landscaping proposed, footpaths, fencing and lighting. The buffer zone shall extend a minimum of 5m from each bank of each watercourse;
  - The detailed design of all new watercourse crossings, which shall take account of flood risk and biodiversity;
  - Provisions for safe otter passage through the site, including the design of any otter fencing; and
  - The management for the continued protection of all buffer zones and provisions for the ongoing maintenance shall be included within the provisions outlined in condition 19, above.

All works shall proceed in strict accordance with the approved details retained in that manner thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the quality of the watercourse environment for the benefit of wildlife and people.

## **Community Park**

21. The Community Park shall be laid out in full and made available to the public in accordance with the Community Park Phasing Plan dwg no. 9716, the LEMS and respective Neighbourhood Green Infrastructure Plan for that area of the park. For the avoidance of doubt CP1 shall be laid out and made available in full for use prior to the occupation of the 2000<sup>th</sup> dwelling; CP2 shall be laid out and made available in full for use prior to the occupation of the 4000<sup>th</sup> dwelling; and CP3 shall be laid out and made available in full for use within 12 months of the commencement of the 5500<sup>th</sup> dwelling. The details and particulars provided for each phase of the Park as outlined within the Neighbourhood Green Infrastructure Plan shall include a detailed phasing plan outlining how that particular phase will be delivered such that the Phase of the Community Park will be delivered in increments or sub-phases.

Reason: To ensure that the Community Park envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 are planned in a satisfactory manner as an integral part of the overall development.

22. Proposals for any Burial site to be included within the Community Park shall ensure that it will not be sited within 50m from a potable water source; 30m from a water course or spring; 10m from field drains; and not in standing water and the base of the grave must be above the local water table.

Reason: To protect the quality of controlled waters in the local area.

23. Prior to the commencement of the 4000<sup>th</sup> dwelling, a Community Park Management Plan will be submitted to the Local Planning Authority for approval. This document shall be based on the LEMS and merge all management and maintenance actions for the Community Park set out within the individual Neighbourhood Green Infrastructure Plans, and include the following;
- a) A Community Park Plan detailing all land uses and built form;
  - b) Management aims and objectives;
  - c) A Management Area Plan to identify all management zones;
  - d) Management actions for each management zone, including timetable and responsibilities;
  - e) Planning and legal requirements; and
  - f) Monitoring protocols and review and variation procedures.

Once approved, the Community Park shall be managed in accordance with the Community Park Management Plan.

Reason: To ensure that the Community Park envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 are capable of being secured in the long term and their purpose and function preserved.

## **Earthworks**

24. The development hereby permitted shall be carried out in accordance with the Earthworks Management Strategy June 2018 as included at Appendix 5.3 of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018, or any update to the Earthworks Management Strategy as approved by the Local Planning Authority.

Notwithstanding the details set out within the Earthworks Management Strategy, no works shall commence within each Neighbourhood as outlined on the Community Park Phasing Plan until details and particulars of the fill and soil deposition associated with that phase to be situated within the Community Park or other fill locations outlined in the Earthworks Management Strategy has been submitted to and approved in writing by the Local Planning Authority. Such details shall include;

- a) Detailed scaled drawings, cross sections and contour plans for the area of fill;
- b) Phasing and timing plans for the different fill areas within that phase which are to be prepared every 6 months outlining the type and nature of the works to be carried out within that period;
- c) Phasing and timing plans that outline how the landscape and visual amenity impact for that area of work is reduced and contained to a minimal area to ensure early release as public open space – this shall include details of advanced planting to address visual impacts, and measures to temporarily reduce the visual impact of temporary soil heaps;



- d) Details of the compaction methodology to be employed to ensure that 95% compaction (where necessary) is achieved for the placed material;
- e) Methodologies for testing and reporting on the works to demonstrate land reinstatement and end-state specification;
- f) Details and locations of all haul routes;
- g) Measures and methodologies to suppress and mitigate any identified impacts of dust and Air Quality to the surrounding area and residential properties in accordance with IAQM guidelines;
- h) Details of the measures to be employed during the fill works to create a mosaic of habitats as required by condition 19, as well as to protect, retain or mitigate habitats and species affected by the fill works (including tree and hedgerow protection), of features to be retained including any planted under this permission; and
- i) Details for the drainage arrangements associated with the fill in respect of both the end state solution but also throughout the deposition period to ensure that water courses are safeguarded from pollutants.

The development shall take place in accordance with the approved details.

Reason: To ensure that the management of soil is undertaken in a sustainable and appropriate manner, and in the interests of good planning and environmental and landscape considerations.

### **Reserved Matters Green Infrastructure Plans**

25. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include a Reserved Matters Green Infrastructure Plan, which will demonstrate compliance with the LEMS for that Reserved Matters site. Each Reserved Matters Green Infrastructure Plan shall include;
- a) Details of both hard and soft landscaping works for the Reserved Matters site. These details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, street furniture and retained historical features where relevant. All details of soft landscape works to be included within that application shall include planting plans at a scale of 1:500 indicating the proposed location, number, species, variety, stock size of planting, and density of new planting. Details shall include written specifications of planting operations including ground preparation, subsoiling, topsoiling, cultivation, soil improvement, mulching, aftercare and detailed sections at a minimum scale of 1:20 to explain tree planting pit proposals.
  - b) Details of how and where proposals for habitats and species shall be implemented in detail on that Reserved Matters site;
  - c) Details of all wildlife protection measures to be used during construction of the Reserved Matters site;
  - d) Details for the management of all soft and hard landscape areas provided on the Reserved Matters site, including a 12 month and 10 year schedule; and
  - e) A timetable setting out the implementation of all works and confirmation of suitably qualified personnel responsible for overseeing their implementation of the Reserved Matters site, including variation procedures;

No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. Development of that Reserved Matters site shall proceed strictly in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval contain satisfactory information to enable proper assessment of biodiversity mitigation, compensation and enhancement within the site.

### **Tree and Hedgerow Removal**

26. Any trees or planting comprised within any approved schemes specified in conditions 18, 19, 20, 21 and 25, or condition 4, which are not the subject of a separate prior agreement with the Local Planning Authority and which, within a period of 10 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the Local Planning Authority. All existing hedgerows and trees to be retained shall be protected during construction operations in accordance with BS5837: 2012 and shall be maintained to that standard until development has been completed unless otherwise agreed through the conditions above.

Reason: To ensure that any tree or trees of amenity value as well as the schemes overall landscaping proposals can be safeguarded to ensure that the effectiveness of the landscaping can be preserved.

### **Public Open Space/ Areas for Play**

27. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 4 shall include detailed plans and particulars for any Local Area for Play, Locally Equipped Area for Play or Neighbourhood Equipped Areas for Play, including Multi-use Games Areas where necessary, Bowling Greens and Public Parks, Civic Parks and Urban Parks, to be located within that Reserved Matters site. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The features shall be provided at locations broadly consistent with those identified on the Illustrative Landscape Masterplan, Green Infrastructure Plan, Play Strategy Plan and Legibility Framework Plan contained within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, and delivered in accordance with the implementation and phasing requirements to be previously agreed in writing by the Local Planning Authority.

As a minimum, the detailed plans and particulars shall include cross-sections and details of hard and soft landscape materials, boundary treatments and access points, surface and path treatments, furniture (including seating, bollards, bins, and cycle stands), structures and shelters, signage, play and sport equipment, public art, trees, water features, and lighting.

The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable proper assessment of the proposed public open space and

play areas as the application was made in outline form and approval of the details specified are still required.

## **Transport**

28. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority pursuant to condition 4 shall include details of the design, layout, levels, gradients, materials, method of construction, street lighting and drainage of all roads, parking areas, cycleways, and footways forming any part of that site. No part of the development within a Reserved Matters site shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable proper assessment of the proposed street scene as the application was made in outline form and approval of the details specified are still required so to achieve a street pattern that secures a safe and attractive environment.

## **Northern and Southern Avenues**

29. No more than 2750 dwellings shall be occupied until either Northern Avenue or Southern Avenue has been completed and has been made available for use by the public.

Reason: To ensure that the Main Street route is not over trafficked before an alternative route is available.

30. No more than 4000 dwellings shall be occupied until both Northern Avenue and Southern Avenue have been completed and have been made available for use by the public.

Reason: To ensure that the Main Street route is not over trafficked before alternatives are available.

31. Northern Avenue and Southern Avenue shall be completed strictly in accordance with detailed plans that shall have been submitted to and approved in writing by the Local Planning Authority, unless approved on applications submitted pursuant to condition 4 above.

Reason: To ensure that the alternative routes to Main Street are carried out in an acceptable manner as the application has been made in outline form and approval of the details specified are still required.

## **Northwest Expansion**

32. The development hereby approved shall include provision for a dedicated link road to the western boundary of the site leading from the Main Street. Prior to the commencement of the development within the Sherford Town Neighbourhood as shown on the Character Areas Plan contained within the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F, the link road shall be delineated on a plan to be submitted to and approved in writing by the Local Planning Authority. No development shall occur within the area delineated for the link road unless alternative provision is made and agreed in writing by the Local Planning Authority.

Reason: To ensure that the principles of legibility as envisaged by the outline application is maintained as the application has been made in outline form with details of the layout to Reserved Matters sites still to be provided, and to future proof this development for potential development planned to the west.

## **Road Closures**

33. All road closures associated with the development shall be carried out in accordance with the Method Statement submitted to and approved pursuant to application reference 7\_49/1408/15/DIS.

Reason: To ensure that the development is undertaken in a manner that has minimal impact upon residents and users of existing highways.

## **Cycleways and Footways**

34. No development shall commence beyond 80% of the residential units permitted within the Sherford Western Neighbourhood until the cycle route linking the development to the Cycle Route 2 through the Community Park as identified on the Recreational Plan contained within the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F has been completed.

Reason: To ensure that the application as envisaged is carried out in a satisfactory manner so to ensure that residents have access to suitable recreational facilities within the development at an early stage.

35. The cycle route referred to in condition 34 above, shall be delivered in accordance with the details and particulars contained within planning reference 0739/22/ARC.

Reason: To ensure that the development is carried out in an acceptable manner and to ensure that residents have access to suitable recreational facilities within the development at an early stage.

36. This permission includes the provision of cycleways that are located broadly in accordance with the Recreational Plan contained within the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F. Each cycle route shall be provided in accordance with detailed plans and particulars previously submitted to and approved in writing by the Local Planning Authority. Development shall not commence beyond 80% of the residential units permitted within the Sherford Eastern Garden Neighbourhood as identified on the Character Areas Plan contained within the Design and Access Statement June 2018 and the Design and Access Statement Addendum September 2018 Rev F, until all cycleways identified on the Recreational Plan are completed and available for public use.

Reason: To ensure that the development is delivered in accordance with that envisaged by the outline application and in order to promote cycling and walking as an alternative to the use of private cars.

37. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include details for any public accesses

and cycleways that connect the Reserved Matter site to the wider network of footpaths and cycleways contiguous to the Reserved Matter site. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority. The development shall proceed strictly in accordance with the approved details.

Reason: To ensure that applications for Reserved Matters approval are satisfactory to enable full and proper assessment of the proposed footpath and cycleway arrangements within which Reserved Matters site, as this application was made in outline form and approval of this detail is still required to ensure that the development is delivered in a coherent and integrated manner.

38. The stopping up of and diversion of any footpath or bridleway associated with the development shall be out in accordance with the Method Statement submitted to and approved pursuant to application reference 7\_49/1408/15/DIS.

Reason: To ensure that the development is undertaken in a manner that has minimal impact upon the recreational amenity associated with existing footpaths and bridleways within and around the site.

### **Car Parking**

39. Each Neighbourhood Design Code as required by condition 10 shall include a Car Parking Strategy which shall outline proposals for car parking within that area. The Car Parking Strategy shall detail the maximum provision of spaces for each use within that area and demonstrate how the level of car parking will be dependent upon its proximity to the High Quality Public Transport (HQPT) route and the Neighbourhood centres as delineated on the Land Use Key Fix Parameter Plan within the approved Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall demonstrate how the Reserved Matters site achieve the standards set out within the Car Parking Strategy and shall also detail provision of public car parking areas and shall show management regimes including waiting restrictions. The Development shall be carried out in accordance with the approved strategy.

Reason: To ensure that adequate levels of private parking spaces are designed into the development in the interests of visual amenity and character, whilst encouraging a shift towards sustainable modes of transport as an alternative to the private car and hence reduce vehicular trips on the highway network as envisaged by the Transport Assessment and Transport Assessment Addendum documents October 2007 and May 2009.

40. Each parking space approved through details submitted pursuant to these conditions shall be constructed, as approved, and drained, surfaced and made available for use before any unit of accommodation that it serves is first occupied, and thereafter that space shall not be used for any purpose other than the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any off-street parking that is to be provided as part of the development remains available in the interests of highway amenity and safety.

### **Cycle parking (non-residential)**

41. No building, (with the exception of residential buildings) within any Reserved Matters site shall be occupied until secure spaces for cycle parking have been provided in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. The secure areas for the storage of cycles so approved shall remain available for that purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason: To ensure that there are secure storage facilities for occupiers or visitors of non-residential buildings in order to promote cycling as an alternative to the use of private cars and because the application was made in outline form and approval of this detail is still required.

### **Bus Stops**

42. Detailed plans and particulars submitted in respect of all applications for Reserved Matters approval shall include details for the locations and accesses to bus stops within that Reserved Matters site. No development approved pursuant to such application shall be occupied until all bus stops (with the exception of those located along the High Quality Public Transport route) within that Reserved Matters site have been provided to a specification which shall have been previously approved in writing by 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.

### **Bus Stops (High Quality Public Transport)**

43. All bus stops that form part of the High Quality Public Transport route along the Main Street shall be provided to a specification that shall be previously agreed in writing by the Local Planning Authority, and shall be available for use at the commencement of occupation of the neighbourhood they serve.

Reason: In the interest of highway safety and amenity and to encourage greater use of public transport for journeys to and from the development.

### **Housing**

44. The number of dwellings permitted within the site as defined by this planning permission, when taken together with 0825/18/VAR, 1593/17/VAR and 7\_49/2426/06/O, and the number of dwellings permitted within the site as defined by Plymouth City Council planning permission Ref: and 06/02036/OUT, and 16/00247/OUT shall not exceed 5500.

Reason: To ensure that the development is carried out in the manner as envisaged by the outline application.

45. No dwelling authorised by this permission shall be occupied until any garage(s) and/ or parking space(s) approved for that dwelling pursuant to condition 4, have been provided.

All garages and parking spaces, if any, shall thereafter be retained for the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate on-site garages and parking areas and access thereto are provided in the interests of public safety and the amenities of the individual property owners.

- 46. No dwelling permitted by this development shall be occupied until provision for a secure area for the storage of at least one bicycle and appropriate refuse storage units have been provided in accordance with previously approved details.

Reason: To ensure that there are adequate storage facilities for occupiers or visitors of all dwellings in order to promote cycling as an alternative to the use of private cars and because the application was made in outline form and approval of this detail is still required.

- 47. The development hereby approved shall be carried in accordance with the Clustering and Distribution Strategy submitted to and approved pursuant to application reference 7\_49/0069/15/DIS. Applications for approval of Reserved Matters shall demonstrate compliance with the approved Clustering and Distribution Strategy specifying the mix and tenure of housing, location of affordable units and how progress is made towards achieving a community wide mix as set out in the Clustering and Distribution Strategy.

Reason: To ensure the Affordable Housing element is appropriately distributed and integrated with the Market Housing.

**Commercial/Employment**

- 48. No development for buildings within the specified use class of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall exceed the total maximum area of gross floorspace stated in the Table below, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, this applies to the entire masterplan site including (when read together with 0825/18/VAR, 1593/17/VAR and 7\_49/2426/06/OUT) and development permitted by Plymouth City Council under planning permission reference 06/02036/OUT and 16/00247/OUT;

<b>Land use</b>	<b>Gross floorspace (sqm)</b>
E (a)	12834
E (b) (c) and Sui	3906
Generis (p, q, r)	
E (g),B2, B8	67,000
C1,C2	21390
E (d), (e), (f), F1 F2	49290
Sui Generis	930
(excluding p, q, r)	

The delineation of land uses hereby permitted shall be as identified on the Land Use Key Fix Parameter Plan contained within the Design and Access Statement June 2018 and

Design and Access Statement Addendum September 2018 rev F, but for the avoidance of doubt;

- The total E (a), E (b) and Sui Generis (p, q, r) permitted floorspace must be situated across the three neighbourhoods and not within one single Neighbourhood;
- No more than 46,000sqm of the permitted E (g) (i), (ii) and (iii) floorspace may be located within the Employment Park (as delineated on the Character Areas Plan);
- E (g) (iii), B2 and B8 development shall only be permitted within the Employment Park (as delineated on the Character Areas Plan);
- E (g)(i) and (ii) may only be accommodated within the Town Centre Mixed Use Centre.

Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended), all development permitted by this consent, which relates to E (A) (B) (G) (i, ii and iii), B2 and B8 uses, shall be used only for the uses applied and for no other uses (including any purpose in Classes MA, G, H and U as applicable to the Town and Country Planning (Use Classes Order) 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and reenacting that order with or without modifications.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application and to ensure a mix and range of employment opportunities are provided and retained.

49. Prior to the commencement of development within any Neighbourhood within an approved Neighbourhood Design Code area, other than the Employment Area, which shall be submitted in accordance with the Marketing and Delivery Strategy approved under 0117/19/ARC, unless an alternative marketing and delivery approach is agreed through the commercial board, pursuant to the requirements of condition 10, or the Town Centre (as identified on the Character Areas Plan), a Marketing and Delivery Strategy shall have been submitted to and approved in writing by the Local Planning Authority to be applied to the E and B classes, as applicable, to be situated within that area. The strategy shall include;
- a) An up to date report on the market conditions at that point in time;
  - b) The vision, character and unique attributes which will be promoted for that area;
  - c) Details of the commercial space to be provided within that area or neighbourhood, parameters and minimum and maximum sizes of each of the units;
  - d) Identify how the commercial space will be marketed to include its unique selling point, marketing periods, reporting requirement of the marketing review, and the process of adjustment to respond to the market results;
  - e) Anticipated timeframes for delivery of the commercial spaces to ensure that the commercial spaces are delivered within a suitable timeframe in line with residential development; and
  - f) The role of the Local Authorities, or other bodies, that can be provided to support delivery.

The submission of Reserved Matters applications shall be in accordance with the provision of the approved strategy.



Reason: To ensure that there is an appropriate framework in place to deliver the commercial spaces to shape and inform the submission of Reserved Matters applications prior to the submission of Reserved Matters.

50. The development hereby approved shall take place subject to the following provisions;
- a) No one individual retailer (Class E (a)) shall exceed a floorspace of 2500sqm;
  - b) A minimum of 3000sqm of the permitted E (g)(iii), B2 and B8 shall be in units of less than 500sqm.

Reason: To ensure that the development is carried out in a manner envisaged by the outline application to ensure a mix and range of employment opportunities are provided, in the interests of providing a balanced and mixed community within the development without undermining surrounding centres.

### **Mixed Used Development**

51. Any application for the approval of Reserved Matters consisting of non-residential development, or residential development sited within the Neighbourhood centres as delineated on the Land Use Key Fix Parameter Plan within the approved Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F, shall include details of any mitigation measures required to safeguard residential amenity against the impacts of conflicting land uses proposed in or adjacent to the area subject to such application. Such details may include methods of noise attenuation, ventilation and restrictions on delivery hours.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

52. No building or part of a building within the site which is to be used for uses within Classes E (a, b, c and Sui Generis (p, q and r) of the Town and Country Planning (Use Classes) Order 1987 (as amended), shall be occupied for trading until fume extraction and mechanical ventilation equipment have been installed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be retained and operated in its approved form for so long as the approved use of that building continues, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

53. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 for any commercial or employment premises shall include the following details; advertisements; proposed opening hours of E (b) and Sui Generis (p, q and r) units and proposed hours of operation for Class B uses; and all external lighting. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

### **Construction Traffic Management Plan (CTMP)**

54. The development hereby approved shall be carried out strictly in accordance with the "Traffic CEMP" as submitted to and approved pursuant to application reference 7\_49/1408/15/DIS, or any subsequent version thereof which has been submitted to and approved in writing by the Local Planning Authority.

Any subsequent version, which shall hereafter to be referred to as a Construction Traffic Management Plan (CTMP), prepared for each Reserved Matters site shall include construction vehicle movements, construction operation hours, construction vehicle routes to and from the site with distance details, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts and a travel plan for contractors, a detailed traffic management plan to control the volume of through traffic on minor routes during the construction phases.

The development shall be carried out in such a manner as to ensure that;

- a) no access for construction traffic shall be achieved off Sherford Road;
- b) no extra traffic (in numerical terms) is introduced on to Sherford Road or Vinery Lane;
- c) means of calming traffic in Sherford Road and Vinery Lane south of the King George V playing fields shall be introduced such that any extra traffic is avoided;
- d) access for construction vehicles shall be initially off Vinery Lane and from the north only;
- e) the link road to the north of King George V playing fields shall be constructed to a standard acceptable to the Local Planning Authority within the first 12 months following the commencement of the first dwelling of the development;
- f) the link road to the north of King George V playing fields shall be available for public traffic no later than the occupation of 170 dwellings within the site or 21 months after commencement of development whichever is sooner unless local highway conditions require that it be brought into use sooner to the reasonable requirement of the local planning authorities and highway authorities;
- g) notwithstanding the above requirements, before the occupation of more than 170 dwellings access to the dwellings shall be achievable along the proposed link road to the north of King George V playing fields;
- h) before occupation of the 170th dwelling within the site the existing Sherford Road shall be linked from a point adjacent to the Quarry to the link road north of King George V playing fields so that Sherford Road traffic is diverted on to it;
- i) traffic management measures are taken on all routes leading to the development, including Vinery Lane, Ridge Road, to accommodate the extra construction traffic;
- j) easy and direct access for public transport to the site incorporating turning facilities, and a convenient loop through the development; and
- k) convenient and safe access for pedestrians and cyclists to and from the completed blocks.

Reason: To protect the residential and general amenity of the area from any harmful polluting effects during construction work.

55. The development hereby approved shall take place in accordance with the overarching Generic CEMP approved under planning reference 2124/19/ARC. Any amendments to the generic CEMP shall be pursuant to the requirements the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018 has been submitted to and approved in writing by the Local Planning Authority. Any amendment to the Generic CEMP shall include aims and objectives for the protection of air, water, land, habitats, and species and shall include the following;
- a) Air Quality (including dust) management measures;
  - b) Surface water and groundwater protection measures;
  - c) Noise Attenuation;
  - d) Topsoil management measures;
  - e) Waste management measures;
  - f) Lighting control measures;
  - g) Measures to deal with contaminated land;
  - h) Tree and hedgerow protection measures.
  - i) A detailed arboricultural survey (including information about trees and hedges that are to be lost/retained/translocated/replaced which should be prepared in accordance with BS5837);
  - j) Other habitat protection measures as required by Chapter 7A of the Environmental Statement including control of invasive species;
  - k) Species mitigation measures including requirements for Natural England Licences, where required;
  - l) General hours of operation, including time limits on particular activities;
  - m) Requirements to show location of construction compounds, storage areas, and access; and

The Generic CEMP shall set out all responsibilities, monitoring and supervision measures during construction, including the role of an Environmental Clerk of Works (supported by ecological, arboricultural and landscape specialists, as required). The Generic CEMP shall also identify a reporting structure, including a reporting protocol and technical liaison with the Local Planning Authority, and the communication and complaints procedure for residents both on and off the site.

The Generic CEMP shall establish a structure for delivery of further more detailed CEMPs as follows;

- Neighbourhood Green Infrastructure CEMPs, based on the areas identified in the Neighbourhood and Green Infrastructure Phasing Plans;
- Reserved Matters CEMPs

All development and the submission of subsequent detailed CEMPs shall accord with the principles therein.

Reason: To protect the residential and general amenity of the area from any harmful polluting effects during construction work.

56. Prior to the approval of the first Reserved Matters application within a Neighbourhood Green Infrastructure Phase, a Neighbourhood Green Infrastructure CEMP for that Green

Infrastructure area, permitted under this consent, shall be produced in accordance with the overarching Generic CEMP and submitted and approved by the Local Planning Authority. The CEMP shall be based on up-to-date ecological and arboricultural information as required by the Generic CEMP. Once approved, all construction work should be undertaken in accordance with this document.

Reason: To protect the residential and general environmental amenity of the area from any harmful polluting effects during construction work.

57. No development shall commence within a Reserved Matters site, permitted under this consent, until a Reserved Matters CEMP for that site has been submitted to and approved in writing by the Local Planning Authority, which shall have been prepared in accordance with the overarching Generic CEMP. The CEMP shall be based on up to date ecological and arboricultural information as required by the Generic CEMP. Once approved, all construction work should be undertaken in accordance with this document.

Reason: To protect the residential and general environmental amenity of the area from any harmful polluting effects during construction work.

58. No construction, demolition or engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday. Such works shall only take place between the hours 08:00 and 18:00 weekdays, and 08:00 and 13:00 on Saturdays unless otherwise permitted in writing by the local planning authority. No plant, machinery or equipment associated with such works shall be started up or be operational on the development site outside of these permitted hours.

Reason: To protect the residential and general amenity of the area from any harmful effects arising from construction work.

## Noise

59. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include a noise mitigation strategy. The strategy shall set proposed limits upon indoor ambient noise levels and external amenity area noise levels for each building type on the site and will include design criteria that will be employed to meet those levels.

For the avoidance of doubt, the noise mitigation strategy shall include provisions that as a minimum the following shall apply:

Internal and external noise levels for new noise sensitive premises should not exceed the following noise limits (NB: all time intervals are 1 hour, time weighting is fast unless stated otherwise):

Dwellings, including houses in multiple occupation, hostels, and hotels:

Bedrooms (23:00 to 07:00 hours): 30dB LAeq, 45dB LAmax (slow)

Living rooms (07:00 to 23:00 hours): 35dB LAeq

Kitchens, bathrooms, WC compartments and utility rooms (07:00 to 23:00 hours): 50dB LAeq

External amenity areas:

The allocated amenity areas for each dwelling shall be acoustically protected so that ambient noise levels are as low as practicable and no greater than 55 dB(A)  $L_{Aeq}$ , 1 hour 07:00-23:00 hours.

The application for Reserved Matters shall include details that set out the proposed measures to attenuate noise created outside of individual buildings to the levels identified in the noise mitigation strategy.

For all non-residential development, a noise mitigation strategy shall be prepared and submitted with the application for reserved matters setting any mitigation required to ensuring neighbouring residential units continue to achieve the standards set out above.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties are safeguarded.

60. Prior to the occupation of any dwelling that requires the provision of the Noise Attenuation Bund to the south of the A38 (as outlined within the Design and Access Statement) to comply with the maximum noise levels specified in condition 59, details and particulars of the bund shall have been submitted to and approved in writing by the Local Planning Authority. Those dwellings shall not be occupied until such a bund has been installed in accordance with the approved details.

Reason: To ensure an acceptable level of residential amenity is achieved.

61. No building hereby permitted shall be occupied until the necessary noise mitigation measures as proposed at condition 59 and approved by the Local Planning Authority have been fully implemented.

Reason: To ensure that the development is delivered in an acceptable manner so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

### **Noise Impact Assessment – B2 Uses**

62. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 for any building hereby permitted which is to be used for uses that fall within the Class B2 of the Town and Country Planning (Use Classes Order) 1987 (as amended) shall include a Noise Impact Assessment. The assessment shall identify the potential impact generated by that use on residential premises and specify measures to assimilate the building into the mixed use neighbourhood. No development within that Reserved Matters site shall be commenced until such assessment and proposed measures have been approved in writing by the Local Planning Authority.

Reason: To ensure that applications for Reserved Matters approval contain full and adequate information to enable assessment of the detailed proposals so to ensure that the amenities enjoyed by the occupants of properties juxtaposed with conflicting forms of development are protected.

## **Contamination**

63. No development shall take place on any Reserved Matters site unless a scheme that deals with the risks associated with contamination of that site has been submitted to and approved in writing by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority.
- a) A preliminary risk assessment/desk study identifying:
    - i) all previous uses
    - ii) potential contaminants associated with those uses
    - iii) a conceptual model of the site indicating sources, pathways and receptors
    - iv) potentially unacceptable risks arising from contamination at the site
  - b) A site investigation scheme, based on a) to provide information for an assessment of the risk to all receptors that may be affected;
  - c) The site investigation results and the detailed risk assessment b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented strictly as approved.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

## **Contaminated Land: Remediation**

64. Where the risk assessment identified at condition 63 above, identifies risks deemed unacceptable by the Local Planning Authority, a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants and/or gases when the Reserved Matters site is developed shall be prepared and submitted to the Local Planning Authority for approval. Any remediation scheme for contamination approved pursuant to this condition shall be fully implemented before the development within that Reserved Matters site commences. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

## **Contaminated Land: Verification Report**

65. Prior to the occupation of any part of the development in which Reserved Matters approval is sought, a verification report demonstrating completion of the works set out in the approved remediation strategy required at condition 64 (if applicable), which shall include detailed reports outlining the effectiveness of the remediation, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the remediation criteria for that Reserved Matters site have been met. It shall also include, where relevant, any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Local Planning Authority.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

### **Unsuspected Contamination**

66. If, during development, contamination not previously identified is found to be present at the site then no further development within that Reserved Matters site shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until the developer has submitted, and obtained written approval from the Local Planning Authority for an amended investigation and risk assessment, and where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Prior to the occupation of any part of a Reserved Matters site in which contamination not previously identified is found present, a verification report demonstrating completion of the works as specified in the approved remediation strategy (as required by this condition), and which outlines the effectiveness of the remediation, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the remediation criteria for that Reserved Matters site have been met. It shall also include, where relevant, a plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action for the reporting of this to the Local Planning Authority.

Reason: The application was made in outline form and further detailed assessment of the full risks associated with contamination and necessary remedial measures is still required to ensure that the development does not pose any threat to the environment or to health.

### **Air Quality**

67. No dwelling hereby permitted under this consent shall be occupied until a scheme for monitoring air quality has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for monitoring of oxides of nitrogen and particulate matter and shall include measures for monitoring the construction phases of the Earthworks Management Strategy and shall specify the time period the monitoring scheme will be applied. The scheme, as approved, shall be implemented and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupants of the residents.

### **Infrastructure**

68. Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 4 shall include details for serving each building with High Bandwidth communication infrastructure. No development within that Reserved Matters site shall be commenced until such details have been approved in writing by the Local Planning Authority.

Reason: To ensure that the development is carried out in a satisfactory manner.

69. Unless otherwise agreed in writing by the Local Planning Authority, all pipes, meter boxes, fibre wires, and cables required by statutory undertakers and all other appropriate bodies, including telephone cabling, shall be placed underground or in suitably concealed locations that are not visually prominent.

Reason: In the interests of visual amenity.

70. No dwelling hereby permitted shall be occupied until a Sign Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall detail how destinations within and external to the site are to be signed to vehicular, pedestrian and cycle traffic, including Street Naming, and how Sherford as a destination is to be signed from outside the site. The approved Sign Strategy shall be implemented in accordance with the timetable contained therein. The development shall proceed strictly in accordance with the approved Strategy.

Reason: To ensure that unnecessary journeys resulting from misdirection, air pollution and street clutter due to sign proliferation, can be reduced.

### **Gas Pipeline**

71. No part of the development, which falls within the Inner and Middle consultation distances of the existing Gas Pipeline, shall be occupied until the pipeline rerouting has taken place in accordance with HSE report Kenn Wixenford (D1011): Second Bite Pipeline Assessment, and the existing pipeline which crosses the development site has been terminated and confirmation of completion of the necessary work has been obtained by the Local Planning Authority.

Reason: To ensure that no development that falls within the HSE consultation zones are occupied until the gas pipeline has been rerouted and therefore poses no risk to public safety.

### **Archaeology**

72. The development shall be carried out at all times in accordance with the Written Scheme of Investigation approved pursuant to planning reference 2438/21/ARC or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

73. If, during the course of the works of development, archaeological features not previously identified are found to be present, work shall immediately stop until the Local Planning Authority has approved the means of the retention or recording of those features.

Reason: To ensure that an appropriate record is made of archaeological evidence that may be affected by the development.

### **Public Toilets**



74. No development shall commence beyond 4000 dwellings within the site until at least two public toilet facilities have first been made available for public use, such public toilet facilities to be located as follows:
- a) at the Park and Ride facility; and
  - b) in the town centre

The facilities shall not be constructed until details and particulars pursuant to condition 4 have been submitted to and approved in writing by the Local Planning Authority. Such details shall include its size, capacity, lighting arrangements, and will also provide separate facilities for male and female disabled users as well as for baby changing. Details of maintenance arrangements, including the times of the day it is available for public use shall also be provided. The development shall proceed strictly in accordance with the approved details, and maintained in that manner thereafter.

Reason: To ensure the development is carried out in a satisfactory manner and because the application has been made in outline form and approval of these details is still required.

### **Local Materials**

75. The development hereby approved shall wherever practicable be constructed with materials sourced as follows;
- a) Up to 65% of bulk materials (by mass) and in any event no less than 35% of bulk materials (by mass) shall be derived from local sources (within 50 miles by road) of the development;
  - b) The materials used in the construction of road and external hard surfaces within the development hereby approved shall utilise a 30% recycled content from local (within 50 miles by road) reclaimed or recycled sources;
  - c) All bulk building materials to be used within the construction of the development hereby approved shall include 15% (as a percentage of the value of materials used) recycled content;
  - d) 100% of construction timber used in the construction of the development hereby approved shall be Forest Stewardship Council certified or equivalent and preference shall be given to renewable locally sourced and milled timber from within the Devon or South West area.

Reason: To reduce the distance building materials to the site are required to travel in the interests of sustainability, and also the local economy

### **Minerals Buffer**

76. A Minerals Buffer Zone as shown on details submitted to and agreed pursuant to application reference 7\_49/1117/15/DIS shall be provided, and development shall not be located within the Buffer Zone unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the amenities of future users of the development are safeguarded from impacts associated with Moorcroft Quarry, and to set a framework for future reserved matters applications.

### **Habitats Regulations**

77. Prior to the occupation of any reserved matters site, a scheme to secure mitigation of the additional recreational pressures upon the Tamar European Marine Site shall be submitted

to and approved in writing by the Local Planning Authority. Such a scheme shall have regard to the extent of green infrastructure and the Community Park provided as part of the development where it can be demonstrated to the satisfaction of the Local Planning Authority and Natural England that this will provide alternative mitigation to the recreational impact of the development. The agreed scheme(s) shall be implemented in full prior to the first occupation of that reserved matters site.

Reason: The development lies in the Zone Of Influence of the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA) where it is considered there would be a likely significant effect from this development, when taken in combination with other plans and projects, upon these European designated sites. To ensure that the proposal may proceed as sustainable development, there is a duty upon the Local Planning Authority to provide sufficient mitigation for any recreational impacts which might arise upon the European designated sites. In coming to this decision, the Council has had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and the requirements of SHDC adopted policy and DEV28 of the proposed JLP

Main Street Conditions (Conditions 78 to 88) below refer specifically to development within the Main Street application)

78. The development of the Main Street, unless stated otherwise by the following conditions, shall be carried out in accordance with the details set out within the Main Street: Deep Lane Junction to Stanborough Cross January 2008 book, and the Main Street: Deep Lane to Stanborough Cross Addendum May 2009 as amended by the Main Street: Book Addendum – June 2018, with the exception of the following drawings;

BARTON WILLMORE 25142\_BRL\_PL003\_Rev B Landscape General Arrangement, S73 Application; 25142\_BRL\_PL004\_Rev B Landscape Proposals Plan Colour, S73 Application; 25142\_BRL\_PL202\_Rev B Planting Plan and Schedule, S73 Application; 25142\_BRL\_PL005\_Rev B Streetscape General Arrangement & Planting, Sheet 1 S73; 25142\_BRL\_PL006\_Rev B Streetscape General Arrangement & Planting, Sheet 2 S73; 25142\_BRL\_R001\_Landscape Management Plan including Maintenance Schedule; 25142/A5 Rev 06 – Detailed Design Code Compliance report, May 2016 25142\_9906\_Rev A Proposed Site Plan Section 73 Application

BROOKBANKS 10334-003-001 Traffic Management Context Plan; 10334-010-001 CDM Responsibilities; 10334-100-201\_C School Access General Arrangement; 10334-100-211\_A School Access Vehicle Tracking Sheet 1; 10334-100-212\_A School Access Vehicle tracking Sheet 2; 10334-120-201\_C School Access Location Plan; 10334-150-201\_A School Access Standard Details Sheet 1; 10334-150-202\_B School Access Standard Details Sheet 2; 10334-150-203 School Access Standard Details Sheet 3; 10334-500-201\_E School Access Drainage; 10334-500-220 Surface Water Overland Flows Layout; 10334-510-201\_A School Access Catchment Areas; 10334-700-201\_B School Access Paving & Kerbing; 10334-800-201\_A School Access Long Sections; 10334-1400-201\_B School Access Lighting Design; 10334-SK-213\_A School Junction Arrangement; 10334-SK-214\_A School Junction Arrangement; C151321-S-L-13 T2; 10334TN06Rv0 – Technical Note: Response to Highway Comments; 10334TN07Rv0 – Technical Note: Primary School Entrance; 10334TN08Rv0 – Technical Note: The Square Operation; Sherford LPA EA Drainage comments Rev2; Sherford LPA DCC Drainage comments Rev1; Stage 1 RSA Sherford with design response comments; 10376 FRA-ADD01 Rev 2

Flood Risk Assessment with Appendices; 10376 TS01 Rev3 Transport Statement; 10376 Rev 1 Construction, Environmental and Management Plan (CEMP); 10334 TN03 Rev 1 Lighting Statement

Reason: To ensure that development of the Main Street sections of the application is carried out in accordance with the submitted details.

79. Development in respect of Stage 1 of Main Street, as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018 shall be carried out in accordance with the details submitted to and approved pursuant to application reference number 7\_49/1588/15/DIS. Prior to commencement of construction of Stages 2 and 3 of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018, details for its hard surfacing, including footways that are included within this detailed approval, shall have been submitted to the Local Planning Authority for approval in writing. Such details shall include proposals for all guard-railing, stone walling, iron work, street lighting, tree grills, pavers, kerbing, details and dimensions of kerb up stands, gutter sets, channel types, measures to assist visually impaired pedestrians, verge materials and markings. The Main Street shall be completed strictly in accordance with the approved details prior to the occupation of 1300 dwellings.

Reason: To ensure a sense of place is achieved for the Main Street by the careful use of materials and layout.

80. Development in respect of Stage 1 of Main Street, as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018 shall be carried out in accordance with the details submitted to and approved pursuant to application reference number 7\_49/1588/15/DIS. Prior to commencement of construction of Stages 2 and 3 of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018, details of all soft landscaping works to be located within that section of the Main Street detailed area, shall have been submitted to the Local Planning Authority for approval in writing. These details shall include planting plans at a scale of 1:500 and will indicate the proposed location, number of species, variety, stock size at planting, density of new planting, and phasing of new planting. Details shall also include written specifications of planting operations including ground preparation, subsoiling, topsoiling, cultivation, soil improvement, mulching, aftercare and detail sections at a minimum scale of 1:20 to explain tree planting pit proposals. A timetable for the implementation of each of the proposed planting specified by this condition shall also be submitted with the detailed plans and particulars referred to in this condition. The landscaping shall be set out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a sense of place is achieved for the Main Street by careful use of soft landscaping and appropriate planting.

81. Development in respect of Stage 1 of Main Street, as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018, shall be carried out in accordance with the details submitted to and approved pursuant to application reference number 7\_49/1588/15/DIS. Prior to commencement of construction of Stages 2 and 3 of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018, detailed plans and particulars for the street furniture to be located in that section of the Main Street, including dimensions of pedestrian refuges

and bus platforms together with adjacent carriageway widths, bus stops and shelters (including provision for Real Time Information) seating, litter bins, cycle stands, cycle parking facilities, carriageway markings, bollards and signs shall have been submitted to Local Planning Authority for approval in writing. A timetable for the implementation of the features specified by those details shall also be submitted with the detailed plans and particulars referred to in this condition. The development shall take place strictly in accordance with the approved details.

Reason: To ensure a sense of place is achieved for the Main Street by careful use of street furniture as this detail is not known at this stage.

### **Deep Lane east bound on and off-slip traffic signals**

82. Prior to the commencement of construction of any dwelling or community facility, improvement works to the existing traffic signals and junction layout at the Deep Lane east bound on and off slip road junction that are necessary to accommodate construction traffic at the development shall be carried out in accordance with the details and particulars submitted to and agreed pursuant to application reference 7\_49/1440/15/DIS.

Reason: To ensure adequate construction access for the development in its initial phases.

The pre-commencement condition is required to ensure that construction vehicles may safely and conveniently access the site via Deep Lane junction and that this is in place before its use by construction vehicles

### **Deep Lane Junction 'north' – Stage 1 and 2 works**

83. Notwithstanding the details shown on submitted drawing D108 875 – 702B as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, the works shall be carried out in accordance with the details approved pursuant to application reference 1792/16/ARC and shall be completed strictly in accordance with the drawings approved pursuant to this condition prior to the occupation of 1300 dwellings.

Reason: To ensure adequate highway provision for phases of the development to the east of Brixton Road. Deep Lane west bound off-slip traffic signals

84. Prior to the commencement of construction of any dwelling or community facility, improvement works to the existing west bound on and off slip road junction, that shall include the provision of traffic signals, as set out in the details and particulars submitted to and approved pursuant to application reference 7\_49/0502/15/DIS shall be completed and made operational.

Reason: To ensure adequate construction access for the development in its initial phases.

The pre-commencement condition is required to ensure that construction vehicles may safely and conveniently access the site via Deep Lane junction and that this is in place before its use by construction vehicles

### **Deep Lane Junction 'south' – Stage 1 and 2 works**

85. Notwithstanding the details shown on submitted drawing D108 875 – 703D as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, no work to Stage 3 of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018 shall commence until full details of the proposed highway improvements in the area covered by this drawing have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, the submitted drawings shall detail how Stage 1 and 2 works to Deep Lane Junction as identified on Figure: 3.1 GENERAL ARRANGEMENT SHOWING PROPOSED IMPROVEMENTS TO DEEP LANE INTERCHANGE, dated Aug 2007 as contained in the appendix “Technical Note 1 (v2) ref: D115162 MDCR” to the Transport Assessment Addendum October 2007, shall be carried out. The junction improvement shall be carried out prior to the occupation of 1300 dwellings and strictly in accordance with the drawings approved pursuant to this condition.

Reason: To ensure adequate highway provision for phases of the development to the east of Brixton Road.

86. Development of the Stage 3 section of the Main Street as defined on the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018 shall not commence until detailed plans and particulars of the design and construction of the proposed culvert and stream crossing in the location shown on 10376-105-104B and 10376-1100-104 as set out in the Main Street: Book Addendum – June 2018, have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that details and particulars of this landmark feature are provided to enable a proper assessment of this element of the Main Street which have not been provided as part of the detailed element of this application.

87. A landmark feature shall be designed and erected in accordance with plans submitted to and approved by the Local Planning Authority in the 'Lozenge' shown on drawing 10376-105-104B and 10376-104 as set out in the Main Street Phasing Plan 10376-SK-163 in the Main Street: Book Addendum – June 2018. The landmark feature shall be erected within a timescale previously agreed with the Local Planning Authority. The details of the 'Lozenge' shall be submitted to and approved by the Local Planning Authority to accommodate the landmark feature and including pedestrian friendly features to the satisfaction of the Local Planning Authority.

Reason: To ensure that details and particulars of this landmark feature are provided to enable a proper assessment of this element of the Main Street which have not been provided as part of the detailed element of this application.

88. Notwithstanding details submitted on the Main Street drawings and chapter 7 of the Environmental Statement February 2018 and the Environmental Statement Addendum June 2018, details of all bat crossing structures both under and over-ground and associated tree planting shall be submitted to and approved by the Local Planning Authority in respect of each Phase of the Main Street Development hereby authorised prior to commencement of any construction on that Phase of the Main Street. For the avoidance of doubt, the bat structure associated with Stage 1 of the Main Street Development that is situated to the east of Vinery Lane has been agreed, and shall be carried out in accordance with the details submitted to and approved pursuant to application reference 7\_49/0351/15/DIS.

Reason: To ensure a satisfactory provision is made for bats in harmony with highway integrity and safety.

**As Directed by the Secretary of State for Transport**

89. No more than 1300 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT and 16/00247/OUT and South Hams District as defined by Planning Application 7\_49/2426/06/O, 0484/16/VAR, 1593/VAR and 0825/18/VAR) until a Park and Ride facility comprising of at least 500 car parking spaces is operational and has been confirmed as being so, in writing, by the Local Planning Authority. The Park and Ride facility shall be sited broadly in the location identified on the Land Use Key Fix Parameter Plan contained within the Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018.

Reason: To ensure that the development is phased appropriately in association with neighbouring development to reduce the highway congestion in the interests of public safety, convenience and amenity.

90. No more than 4000 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT and South Hams District as defined by Planning Application 7\_49/2426/06/O, 0484/16/VAR, 1593/17/VAR and 0825/18/VAR) until a park and ride facility comprising of at least 1000 car parking spaces is operational and has been confirmed as being so, in writing, by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is phased appropriately in association with neighbouring development to reduce highway congestion in the interests of public safety, convenience and amenity.

91. Notwithstanding the details shown on submitted drawings D108 875-702D and D108 875-703D as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009, no residential or non-residential development shall commence until the Deep Lane Westbound Signals are installed and operational to the satisfaction of the Local Planning Authority and the Highway Agency in the location shown on the Scott Wilson drawing D108 875-763A (received by the Highways Agency on the 10<sup>th</sup> November 2011), or an acceptable alternative.

Reason: To ensure that the development is phased appropriately with neighbouring development in the interests of highway safety.

The pre-commencement condition is required to ensure that construction vehicles may safely and conveniently access the site via Deep Lane junction and that this is in place before its use by construction vehicles.

92. Notwithstanding the details shown on submitted drawings D108 875-700D, D108 875-702B and D108 875-703D as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009 no more than 1300 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT and South Hams District as defined by the Planning Application 7\_49/2426/06/O, 0484/16/VAR, 1593/17/VAR, 0825/18/VAR and 4175/21/VAR) until the highway works to

A38 Deep Lane junction as shown on the Scott Wilson drawing D108 875-SK-H200B (received by the Highways Agency on the 10<sup>th</sup> November 2011) or an acceptable alternative, are in place, are operational and have been confirmed as being so by the Local Planning Authority and the Highways England. In addition to the details shown on the drawings referred to in this condition, the highway works to A38 Deep Lane junction mentioned in this condition shall also incorporate appropriate facilities for pedestrians to cross the west bound A38 (T) on-slip at its junction with the B3416 and such shall be installed concurrently with the highway works to the written satisfaction of the Local Planning Authority and Highways England.

Reason: To ensure that the development is phased appropriately in association with neighbouring development in the interests of highway safety.

## INFORMATIVES

1. This Decision Notice refers to the plans and documents; Site Boundary Plan 9000; Site plan showing extent of area covered by application 9010; Illustrative Masterplan 9970; Design and Access Statement June 2018 and Design and Access Statement Addendum September 2018 rev F; Land Use Key Fix Parameter Plan; Building Heights Key Fix Parameter Plan; Density Plan, Legibility Framework Plan; Street Hierarchy Plan; Green Infrastructure Plan; Play Strategy Plan; Phasing Plan; Main Street: Deep Lane Junction to Stanborough Cross January 2008 as superseded and supplemented by Main Street: Deep Lane to Stanborough Cross Addendum May 2009; Main Street: Book Addendum - June 2018 and 103676-105-110 Main Street Central Parking; Transport Assessment November 2006 as superseded and supplemented by Transport Assessment Addendum October 2007 and Transport Assessment Addendum 2 May 2009; Environmental Statement February 2018 and Environmental Statement Addendum June 2018 (which includes the Earthworks Management Strategy and updates to the Flood Risk Assessment and Transport Assessment); and the following drawings;

BARTON WILLMORE 25142\_BRL\_PL003\_Rev B Landscape General Arrangement, S73 Application; 25142\_BRL\_PL004\_Rev B Landscape Proposals Plan Colour, S73 Application; 25142\_BRL\_PL202\_Rev B Planting Plan and Schedule, S73 Application; 25142\_BRL\_PL005\_Rev B Streetscape General Arrangement & Planting, Sheet 1 S73; 25142\_BRL\_PL006\_Rev B Streetscape General Arrangement & Planting, Sheet 2 S73; 25142\_BRL\_R001\_Landscape Management Plan including Maintenance Schedule; 25142/A5 Rev 06 – Detailed Design Code Compliance report, Feb 2016 (updated May 2016); 25142\_9906\_Rev A Proposed Site Plan Section 73 Application

BROOKBANKS 10334-003-001 Traffic Management Context Plan; 10334-010-001 F10 CDM Responsibilities; 10334-100-201\_C School Access General Arrangement; 10334-100-211\_A School Access Vehicle Tracking Sheet 1; 10334-100-212\_A School Access Vehicle tracking Sheet 2; 10334-120-201\_C School Access Location Plan; 10334-150-201\_A School Access Standard Details Sheet 1; 10334-150-202\_B School Access Standard Details Sheet 2; 10334-150-203 School Access Standard Details Sheet 3; 10334-500-201\_E School Access Drainage; 10334-500-220 Surface Water Overland Flows Layout; 10334-510-201\_A School Access Catchment Areas; 10334-700-201\_B School Access Paving & Kerbing; 10334-800-201\_A School Access Long Sections; 10334-1400-201\_B School Access Lighting Design; 10334-SK-213\_A School Junction Arrangement; 10334-SK-214\_A School Junction Arrangement; C151321-S-L-13 T2; 10334TN06Rv0 – Technical Note: Response to Highway Comments; 10334TN07Rv0 – Technical Note:

Primary School Entrance; 10334TN08Rv0 – Technical Note: The Square Operation; Sherford LPA EA Drainage comments Rev2; Sherford LPA DCC Drainage comments Rev1; Stage 1 RSA Sherford with design response comments; 10376 FRA-ADD01 Rev 2 Flood Risk Assessment with Appendices; 10376 TS01 Rev3 Transport Statement; 10376 Rev 1 Construction, Environmental and Management Plan (CEMP); 10334 TN03 Rev 1 Lighting Statement

2. The Parameter Plans and Plans referenced in this decision notice are:

Land Use Key Fix Parameter Plan dwg 9600 Rev J  
Building Heights Key Fix Parameter Plan dwg 9602 Rev K  
Illustrative Street Hierarchy Plan dwg 9707 Rev E  
Green Infrastructure Plan dwg BRL\_102 Rev A  
Character Areas Plan dwg 9700 Rev H  
Site Boundary Plan dwg 9000  
Site plan showing extent of area covered by application dwg 9010  
Community Park Phasing Plan dwg 9716  
Illustrative Masterplan dwg 9970 Rev C

As per the Design and Access Statement June 2018;  
Density Plan  
Legibility Framework Plan  
Recreational Plan  
Play Strategy Plan  
Phasing Plan  
Illustrative Landscape Masterplan

3. This permission is to be read in conjunction with the Section 106 Obligation dated 10<sup>th</sup> January 2019, 19<sup>th</sup> October 2017, 15<sup>th</sup> August 2017, 4<sup>th</sup> January 2017, 26<sup>th</sup> October 2016, and 12<sup>th</sup> November 2013 between Plymouth City Council, South Hams District Council, Devon County Council, Red Tree (2004) LLP, and others AND for the avoidance of doubt the 'commencement of development' defined in the S106 Obligation refers to the requirements of that S106 Obligation and not to the requirements of this Decision Notice.
4. In this permission, reference to the "Sherford Western Neighbourhood", "Sherford Town Neighbourhood", and "Sherford Eastern Garden Neighbourhood" refer to the areas so named and delineated on the Character Areas Plan attached to this permission. References to "Neighbourhood" or "Neighbourhoods" shall be read as referring to any one or more of them as the context requires.
5. This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, as amended, in determining this application, the Local Planning Authority has endeavoured to work proactively and positively with the applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.
6. Condition 77 can be satisfactorily addressed by means of a pre-occupation contribution towards improved management within the Tamar European Marine Site (informed by the SAMMS list) calculated in accordance with the current advice (or any subsequent SPD



approved at the time the contribution is sought minus an approved unit-based sum to reflect the mitigation benefits provided by the proposed green infrastructure and the Sherford Community Park to be provided as part of the development hereby permitted where this can be satisfactorily demonstrated) once the dwelling mix is formalised. At that time the Applicant should contact the Council's Development Management team for approval of the contribution and to arrange payment of the contribution. The scheme should also outline how information leaflets would be provided to all new residents to detail the importance of areas of the development for wildlife, and also the importance of surrounding habitats such as the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.

7. The application was accompanied by an Environmental Statement (ES) and Environmental Statement Addendum made in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (now replaced by the Town and Country Planning (Environmental Impact Assessment Regulations 2017), including a non-technical summary. The ES and supporting information comprises a comprehensive set of documents in which the Council is satisfied that all the environmental information relevant to the proposal has been addressed. The decision has been reached having taken into consideration all of the environmental information and identified mitigation, along with all related representations on environmental matters in accordance with these Regulations.