

## **ADDENDUM REPORT PLANNING COMMITTEE 10<sup>th</sup> FEBRUARY 2011**

**Item: 6.8**

**Site: PLOT G, LAND AT MILLBAY ROAD PLYMOUTH**

**Ref: 10/02131/FUL**

**Applicant: English Cities Fund**

**Page: 125 - 154**

### **Representations Update:**

Since writing the officer's report, 3 additional letters of representation have been received which raise objections to the planning application. The issues raised are identical to concerns already identified and reported within the Officer's report.

### **Environment Agency – Surface Water Drainage.**

Since the time of writing the Committee Report, the Environment Agency have requested that an additional Grampian Condition is imposed on the application in order to ensure that surface water is adequately drained. The suggested wording of the condition is as follows:

*“Surface Water Drainage – Grampian*

*( ) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:-*

- Details of the drainage during the construction phase*
- A timetable of construction*
- A construction quality control procedure*
- Details of the final drainage scheme*
- Provision for overland flow routes*
- A plan for the future maintenance and management of the system.*

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

### *Reason*

*To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with Policies CS21 and CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS23 and PPS25.”*

**S106 Obligation Update:**

Following negotiations between the applicant, Highway Authority and Planning Services it has been identified that whilst the applicant has the benefit of a Development Agreement over the Masterplan Area, it does not own the land that would be subject of Clause 6 (Section 106 Obligations), which was intended to formally secure a temporary off-site car parking area for use by residents. On this basis a Section 106 Obligation is not considered to be an appropriate mechanism to secure such off-site parking provision.

The advice of the Council's Legal Service is that Clause 6 identified within the Officer's Report should be therefore be deleted.

The applicant has formally confirmed in writing, the commitment of English Cities Fund (ECF) to re-introduce the commercial car park on the adjoining land within the next few weeks and have also confirmed that whilst ECF are "in contract" on the Millbay Development Agreement it can allocate 6 car parking permits for this car park, for use by the 6 residential units of this development that currently do not have a car parking space. On this basis, ECF have maintained a commitment to providing these 6 spaces within the balancing Masterplan Area. It is also relevant to note that ECF have entered into a contract to provide off-road staff car parking spaces for VW Murrays on an adjoining site.

The Highway Authority is satisfied with this response and supports the proposed development on this basis.

**Conclusion:**

It is recommended that in accordance with the details outlined in the officer report, conditional approval is granted with the addition of a surface water drainage condition and the satisfactory completion of the Section 106 Obligation (clause 6 deleted). Delegated Authority is sought to refuse the application if the S106 Obligation is not signed by the 22<sup>nd</sup> March 2011.