

CITY OF PLYMOUTH

Subject: Proposal to amend the existing 106 Agreement in relation to Drakes Circus (99/0707) and make available funds to help delivery a children's play area in Plymouth City Centre.

Committee: Planning

Date: 9th February 2012

Cabinet Member: Councillor Fry

CMT Member: Director of Development and Regeneration

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Ref: rb/11006, rpt, drakes circus deed of variation

Part: I

Executive Summary:

This report seeks Members approval to amend details of the current 106 Agreement relating to the Drakes Circus Shopping Development, planning reference 99/0707. The proposed amendment would allow the Council the ability to use the community benefits collected by this agreement to deliver with its partners a new children's play area within the city centre's public realm, redirecting the original sum of £50K which was collected expressly for childcare facilities.

Corporate Plan 2011-2014

This action is compatible with all four priorities of the Corporate Plan: It supports the principle of delivering growth in the city centre, providing improved public facilities which embrace the vision for the city centre as set out in the City Centre Area Action Plan. It will help to raise the public's aspirations for the city centre's public realm, invigorating civic pride and care for our city centre. This action will also help address the current shortfalls of children's play facilities in this locality, reducing inequalities, and overall will allow the Council to make the most creative use of available resources to deliver much needed facilities along with its partners.

Implications for Medium Term Financial Plan and Resource Implications: Including finance, human, IT and land

This action would enhance facilities available within the city's primary retail centre, supporting family shopping experiences, and thus make the city centre more attractive as a competing retail venue in the south west.

The final delivery of a new children's play area in the city centre will assist in improving the management and maintenance issues currently experienced within the city centre.

Other Implications: e.g. Section 17 Community Safety, Health and Safety, Risk Management, Equalities Impact Assessment, etc.

The provision of improved children's play facilities within the city centre will directly improve conditions for the public and in particular facilities for children, and families and carers with children within the city centre public realm. It would at the same time resolve some of the current issues of health & safety and management with the outdated public realm, play facilities and ornamental landscaping that currently exist in the city centre.

Recommendations & Reasons for recommended action:

It is recommended that Planning Committee:

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

Reason: To enable the Council to use the existing contribution of £50K towards children's play facilities within Plymouth city centre public realm, and allowing it sufficient time to act accordingly.

Alternative options considered and reasons for recommended action:

The Council could attempt to develop ideas for delivering "Childcare Facilities" as originally envisaged within the original 106 Agreement provisions, however this would be difficult to achieve and sustain for the Council without a substantial partner investor such as British Land (Drakes Circus current owner), given the relatively small financial contributions provided by this agreement set against the high start up and revenue costs such professional childcare uses require.

Background papers:

Planning consent 99/0707 and related 106 agreements and supplemental agreement dated 12.12.2000 and 2.7.2003 respectively.

Minutes of the Council's Planning Committee of 3.12.1999, when planning consent 99/0707 was granted.

Plymouth's Local Development Framework, Planning Obligations & Affordable Housing Supplementary Planning Document, first review 2010.

New Policy Document for Planning Obligations, Consultation Draft, March 2010 DCLG .

Circular 05/2005 Planning Obligations, ODPM.

Sign off: comment must be sought from those whose area of responsibility may be affected by the decision, as follows (insert initials of Finance and Legal reps, and of Heads of HR, IT and Strat. Proc.):

Head of Fin	SG/DevF1 1120051.2 50112	Head of Leg	13836. (AC)	Head of HR	N/A			Head of IT	N/A	Head of Strat Proc	N/A
Originating CMF Member Paul Barnard, Assistant Director of Development (Planning Services)											

1.0 BACKGROUND

- 1.1 Planning consent was granted for Drakes Circus Shopping Mall on 3rd December 1999, and officers were instructed to conclude a 106 agreement which was duly completed on 12 December 2000, between the Council, P&O Estates and Laing's PLC. This agreement was then subject to a supplementary agreement on 2nd July 2003 when the development site came under the control of new owners Leanora Estates solely. The agreement has since passed with the property to the new owners British Land.
- 1.2 Clause 9 of the agreement stated that the developer was to provide if it deemed it practical, a shopper's crèche within the Drakes Circus development. However if in the event the developer did not consider this provision practical it was to pay the Council a sum of £50K towards the provision of childcare facilities within 500 metres of the development boundary.
- 1.3 On completion of Drakes Circus in 2007 the original developer confirmed that it was not practical to deliver the shopper's crèche and subsequently paid the Council the required contribution of £50K in compliance with the agreement.
- 1.4 As of the date of this report the Council has no plans of action to expend the sum it has collected for childcare facilities in proximity to this development as set out in the current legal agreement.
- 1.5 Given the relatively high start up and revenue costs involved in professional childcare facilities of this nature such as a shoppers crèche, these facilities generally are delivered solely by large retail providers as an attractor to their development rather than local authorities. The sums provided by this agreement are considered to be too small to deliver and sustain such professional childcare facilities.

2.0 THE OPPORTUNITY FOR A NEW CHILDREN'S PLAY FACILITY.

- 2.1 The City Centre public realm currently has only one small formal children's play facility; this is located within New George Street East. This play facility is composed of several wooden animals set on a raised area of hard-standing with safety surfacing adjacent to the Tesco's food store. It is considered that this facility has limited play value for children, given its size and note that it is compromised by service vehicles which have to manoeuvre within it to reach other facilities in the city centre.
- 2.2 For a city the size of Plymouth with it's aspirations to become one of "Europe's Finest Waterfront Cities", this current play facility contributes little to the support of that vision.
- 2.3 It is considered that a better city centre location would be one centrally located within Armada Way between British home Stores and the new street café's operated by Barista Brothers and Starbucks, just north of the main public toilets.

Here more space is readily available and where modern, imaginative and engaging children's play facilities could more successfully meet the public's needs.

- 2.4 This location is within 500 metres of Drakes circus as the original Agreement clause required.
- 2.5 The provision of a new play facility in this manner would meet the Council's aspirations set out in it's Adopted City Centre and University Area Action Plan (AAP), where within Strategic Objective 2, Place Making in the City, it seeks a high quality, attractive and enlivening public realm, with a range of public spaces, enriching activities and sights to generate interest. And this action would be compliant with the AAP's public realm Policy CC03, item 4 which seeks places for all ages, including spaces and activities for children's play and for young people.
- 2.6 If this action is approved a scheme for the provision of a new children's play facilities shall be devised with partners and brought before planning committee for approval in the near future.

3.0 NEGOTIATIONS

- 3.1 The current owner of Drakes Circus, "British Land", have confirmed that in principle they are happy for the existing planning agreement to be altered in the manner outlined in this report and for the Council to work with its partners including it's City Centre Company to deliver the new children's play area.

4.0 CONCLUSIONS

- 4.1 A new and well designed children's play area set within Armada Way which related well to surrounding retail uses would be a welcome asset to the City Centre. It would compliment the use of existing street cafés and activities in Armada Way. Designed with care it would re-invigorate a portion of the tired 1980s pedestrians, ornamental landscape layout that the public and visitors currently experience and would provide a more manageable solution for the Council and its City Centre Company to maintain.
- 4.2 The provision of this play facility would support family shopping experiences, and support carers with young children who visit the city centre. It would encourage active parenting and allow parents and guardians of children more opportunities to use the city's primary retail centre. Overall such development is likely to enhance the attractiveness of Plymouth's city centre against other competing retail venues in the South West.