

# ADDENDUM REPORT

Planning Committee



**Item Number: 01**

**Site: Legacy Land at Seaton Neighbourhood**

**Planning Application Number: 12/02027/OUT**

**Applicant: KDR (Forder Valley Limited)**

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## **Highways Agency**

The Highways Agency, having considered further information submitted by the applicant, has concluded that the comparative scale of the impact of Seaton Neighbourhood development on the highway network is considered to be acceptable. This conclusion is based on the Highways Agency consideration of the proposed Strategic Transport Contribution sought by Plymouth City Council via the S106 Obligation, which the Highway Agency considers will adequately mitigate the minor impacts forecast at Manadon Junction, and its support for a Grampian Condition to be imposed to restrict the development to the first phase until the Forder Valley Link Road is complete.

On this basis, the Highway Agency has removed its direction issued under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, which previously prevented approval of the planning application, and offers no objections.

## **S106 Obligation update**

### **S106 Review mechanism**

Since the Committee Report was completed, further detailed assessments and discussions have taken place with the applicant regarding the accuracy and robustness of the analytic framework submitted to support the viability assessment given that it was submitted nearly two years ago. These were specifically with regards to the need to assess development viability against a wide range of potential future market conditions. These discussions have demonstrated to the satisfaction of Officers, that the viability appraisal remains a robust framework for assessing the ability of the development to support infrastructure contributions and affordable housing delivery over the anticipated lifetime of the development.

It has been concluded by Officers that the negotiated level of infrastructure contributions (including a significant level of front-loaded contributions to the first phase of the development), together with the affordable housing levels reflecting 20% of the overall development, has been demonstrated to satisfactorily mitigate the impact of the proposed development. Taking into account the demonstrated viability of the development, officers therefore consider that this reflects the maximum amount achievable whilst maintaining a viable development.

On this basis, it is concluded by Officers that a viability review mechanism clause within the S106 Obligation is not required.

### Education Contribution

It has been stated within the Officer's report that in addition to a payment of £731,561, the Education Authority has sought a second contribution of £1,264,156 towards meeting the secondary education needs of the development payable upon commencement of Phase II of the development.

Since completion of the committee report, this matter has been further reviewed with the Education Authority and it has been concluded that the Education Authority will have sufficient secondary school capacity to support the development. On this basis a secondary school contribution is not considered necessary.

On balance, taking into account the wider benefits of the development proposals as set out within the Officer's Report, the impacts of the specific development are considered to have been satisfactorily addressed and the development is considered by officers to be acceptable without a secondary school contribution. On this basis no further contribution towards secondary education is recommended to Members.

### **Amendment to planning condition (4) 'Time Limit for Submission' wording**

An amendment to the wording of condition 4 (Time Limit for Submission) is recommended to more accurately reflect the phased nature of the development. It is recommended that Condition 4 will therefore be amended to read as follows (amended wording is in italics):

“(4) Application for approval of the reserved matters of Phase I shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

*Except where otherwise agreed previously in writing with the Local Planning Authority, the applications for the approval of Reserved Matters which relate to the remaining development within Phase II shall be submitted to the Local Planning Authority within six years from the commencement of development of Phase I. All subsequent Reserved Matters shall be submitted to the Local Planning Authority no later than ten years from the date of the commencement of development of Phase I except where otherwise agreed in writing with the Local Planning Authority.*

Reason:

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

### **Amendment to planning condition (55) 'Retail Floorspace Provision'**

An amendment to the wording of Condition 55 (Retail Floorspace Provision) is recommended to ensure the overall development (both Phases I and II) provide a sustainable mix of development as follows (amended wording is in italics):

“(55) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to occupation of the 200th residential unit within Phase A1, the commercial uses within Phase A1 (A1, A2, A3, A4, A5 and B1 Uses) shown on illustrative Masterplan SK-130710 Rev C shall be completed in locations fronting onto William Prance Road to be submitted within the Reserved Matters submission.

*Unless otherwise previously agreed in writing with the Local Planning Authority, prior to occupation of the 300th residential unit within phase A2, the commercial uses within Phase A2 (A1, A2, A3, A4, A5 and B1 Uses) shown on illustrative Masterplan SK-130710 Rev C shall be completed in locations to be previously submitted within the Reserved Matters submission for the respective phase.*

Reason:

In order to provide an acceptable form of sustainable development of an appropriate scale and function, to comply with policies CS01, CS06, CS07, CS08, CS12 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 and policies and provisions of the NPPF.”

### **Recommendation**

It is recommended that the application be granted conditional planning consent (with amended Conditions 4 and 55 as above), subject to satisfactory completion of the Section 106 Obligation (as amended). Delegated Authority is sought to refuse the planning application if the S106 Obligation is not signed by the 31<sup>st</sup> January 2014.