

TWC/2012/0530

Off, Priorslee East, Gatcombe Way/York Road/Hereford Drive, Priorslee, Telford, Shropshire,

Modification of condition to extend the time limit for implementation of outline planning permission W2002/1421 for residential development (Outline)

APPLICANT

Homes and Communities Agency, Nick Bird

RECEIVED

09/07/2012

PARISH

St. Georges and Priorslee

WARD

Priorslee

OFFICER Rob Price

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek Members' agreement to a Deed of Variation of the existing S106 agreement for land at Priorslee East, Gatcombe Way/York Road/Hereford Drive, Priorslee. Outline planning permission was granted for residential development on the whole site which is divided into plots D3, F, I (1), I (2), I (3), J1 and J2 as shown on the attached plan. The proposals relate to altering the triggers and timescales of when contributions should be paid for development that has not yet commenced. A number of the triggers are linked to commencement of development. The Home and Communities Agency (HCA), the owner of the site, has marketed plot D3 and it is likely to be the first plot where development would commence. The HCA has advised that the preferred developer is proposing a scheme of 100% affordable housing. Revising the triggers and timescales for when S106 monies are to be paid will allow for this plot to come forward, facilitating the start of development on site and also better reflecting the size and respective contributions of each of the remaining plots.
- 1.2 The original S106 also required the provision of a Neighbourhood Equipped Area for Play (NEAP) on plot D3 and contributions towards its adoption and maintenance. In addition further contributions were required for the upgrade of the existing NEAP and Kesworth Drive and towards the construction of a NEAP within 1,000m of the development, on Teece Drive. These financial contributions remain the same.
- 1.3 The HCA has been in discussions with officers regarding alternative locations for the NEAP to enable the development of plot D3 with the 100% affordable scheme. It is preferable for the NEAP to be located as close as possible to the existing play area/Local Equipped Area for Play (LEAP) on Gatcombe Way. Therefore the alternative locations being considered are on local authority owned land to the south of the LEAP, the approximate location is outlined in blue on the attached plan and titled 'A', or within plot J2 directly adjacent. Both of these locations are subject to obtaining the relevant planning permission. The changes to the S106 will also include a further financial contribution to the local authority for the construction of the NEAP.

2. BACKGROUND AND HISTORY

- 2.1 Outline planning permission for residential development was originally granted in July 2009 (W2002/1421). This was approved subject to planning contributions towards affordable housing, education, open space and maintenance and play facilities and maintenance (both on and off site).
- 2.2 A later outline application was approved (TWC/2012/0530) which modified the condition to extend the time limit for implementation of the permission from the original 2002 outline. This application was approved in September 2014 subject to a revised S106. The financial contributions remained as per the original agreement but changes of wording and terminology were required to reflect the time that had elapsed since the original application came to committee in 2003.

3. PROPOSAL

- 3.1 This report seeks an agreement for a Deed of Variation to alter the triggers and timescales of when contributions should be paid to better reflect the size of each of the respective plots within the wider development, and allow for the planning and provision of the NEAP. The proposed variations are listed in the table below:

	Current S106 Agreement	Proposed S106 Changes
1	<p>Education (£405,000)</p> <ul style="list-style-type: none"> • 10% on commencement of plot D3 • 65% on completion of 40% of development • 25% on completion of 60% of development 	<ul style="list-style-type: none"> • 5% on commencement of plot D3 • 60% on commencement of plot I or F (whichever is earlier) • 35% on commencement of plot J1 or J2 (whichever is earlier)
2	<p>Recreation (£122,000)</p> <ul style="list-style-type: none"> • £29,200 prior to commencement on plot D3 (towards adoption and maintenance of the NEAP on plot D3) • £42,500 on prior to occupation of plot D3 (towards upgrade of existing NEAP on Kesworth Drive) • £50,600 on commencement of development on the next phase (towards construction of a NEAP within 1,000m of the 	<ul style="list-style-type: none"> • £29,200 within 12 months of commencement of plot D3 (towards adoption and maintenance of the NEAP on either council owned land of plot J2) • £42,500 within 12 months of commencement of plots J1 or J2 (whichever is earlier) (towards upgrade of existing NEAP on Kesworth Drive) • £50,600 on commencement of plots I or F (whichever is earlier) (towards construction of a NEAP within 1,000m of the development

	<p>development on Teece Drive)</p> <ul style="list-style-type: none"> Plan showing location and design of the NEAP on NEAP land (plot D3) within 9 months of commencement of development 	<p>on Teece Drive)</p> <ul style="list-style-type: none"> Local authority to provide costing and design layout for location of NEAP on local authority owned land to the south of the existing LEAP or on plot J2. Prior to submission of a Reserved Matters application for plot J2 agree NEAP location with the council. Provide agreed funding, a maximum of £55,000, for construction of NEAP within 12 months of the completion of plot D3 Agree programme, specification and timescale for construction Construction of NEAP to be procured and completed by local authority
<p>3</p>	<p>Affordable</p> <ul style="list-style-type: none"> Minimum of 25% affordable across development 	<ul style="list-style-type: none"> Minimum 25% affordable across development 100% affordable on plot D3 subject to the separate permission by the local authority
<p>4</p>	<p>Public Open Space (POS)</p> <ul style="list-style-type: none"> Prior to commencement of development provide plan to show location and layout of POS across development Prior to commencement of development provide a programme for the delivery of the POS Programme to include laying out open space before first occupation of that phase. 	<ul style="list-style-type: none"> Provide plan, design and programme for delivery of POS of plots I and F before commencement on I or F (whichever is earlier) Provide plan, design and programme for delivery of POS of plots J1 and J2 before commencement on J1 or J2 (whichever is earlier)

4. SITE AND SURROUNDINGS

- 4.1 The Priorslee area is located to the north of the M54 accessed from junction 4 of the motorway via Castle Farm Way which dissects the predominantly residential area into east and west segments.
- 4.2 To the west of Castle Farm Way lies the Priorslee balancing lake and the former Celestica employment site that has the benefit of planning permission for 600 no. dwellings and a new secondary school, sixth form and sporting facilities. In addition an existing residential area, local centre, primary school and the RICOH factory are accessed via Priorslee Avenue.
- 4.3 To the east of Castle Farm Way lies Lakeside Garden Centre an existing residential area, shops, a primary school and the applications site which are accessed via Gatcombe Way and Salisbury Avenue.
- 4.4 The application site in Priorslee East is approximately 11.60 hectares of greenfield land some of which is currently used as grazing land for horses although signs clearly state the land is for future residential development and is secured by simple post and wire fencing and hedges. It is located against the eastern urban boundary of Telford. It is bounded by Castle Farm Way to the west and southwest, the A5 to the north.
- 4.5 The area is considered to be highly accessible with good footpath and cycle links, a bus service which serves the railway station and town centre as well as excellent access to the motorway.

5. PLANNING CONSIDERATIONS

- 5.1 The revisions to the S106 will maintain the overall education contribution of £405,000 across the development, with changes to the percentages relating to the plots. Education officers have no objection to the revisions. The contribution for plot D3 will see the percentage reduced from 10% to 5% as the HCA has argued that 10% is too large relative to the plot's size when compared with the overall development, making it financially unviable to develop. Officers are satisfied that, as the overall provision throughout the development will remain the same, this revision is appropriate and acceptable.
- 5.2 The original S106 required a NEAP to be provided on plot D3. The HCA's proposal to develop this plot has resulted in discussions with officers and the Parks and Open Space Officer that, subject to relevant planning permissions, the NEAP could potentially be located on local authority land to the south of the existing LEAP (outlined on the attached plan in blue and identified as 'A') or within the adjacent plot J2. The S106 is therefore proposed to be revised to require a financial contribution, at a maximum of £55,000, for the construction of the NEAP by the Local Authority within 12 months of the commencement on site of D3. The wording of the S106 will require the local authority to provide a design, layout, specification and timescales for this. In the event that the NEAP cannot be accommodated on the local authority land it will therefore be included within plot J2, and the revised S106 will stipulate that prior to

submission of a Reserved Matters application for J2 the location of the NEAP shall be agreed.

- 5.3 The proposed revisions will therefore secure a financial contribution for the construction of the NEAP and will also ensure that this is provided on either local authority owned land or on plot J2. The revisions to the S106 will accordingly maintain the provision of the NEAP as originally required to serve the existing residents of the adjoining development, and provide for future occupants of the proposed phases. Given that the provision will be maintained and the funding secured within 12 months of the commencement of plot D3 officers consider that this proposed change is reasonable and acceptable.
- 5.4 In addition to the proposed financial contribution to the local authority for the construction of the NEAP, the requirement from the original S106 for £29,200 towards its adoption and maintenance will be maintained. The trigger for this will be amended from prior to the commencement on plot D3 to within 12 months of the commencement. This is considered to be reasonable as it ensures that the maintenance and adoption contribution are received at the same time as the contribution for the NEAP's construction.
- 5.5 Further NEAP contributions were also secured through the original S106; £42,500 towards the upgrade of the exiting NEAP of Kesworth Drive and £50,600 towards the construction of a NEAP within 1,000m of the development, on Teece Drive. These contributions will again remain the same, with revisions to the timescales and triggers linking them to plots, J1 or J2 and I or F respectively. The Parks and Open Space officer has no objection to these revisions and officers consider these reflect the relative size of the plots within the overall development and are therefore acceptable.
- 5.6 Finally, the requirements for the location, layout and delivery programme for POS throughout the development essentially remain the same. The main revision being that this has now been split to require these in two separate stages, for plots I and F prior to the commencement on either of these plots, and for J1 and J2, again prior to the commencement of either of these plots. Given that the requirement for the planning, design and programme for delivery will remain officers have no objection to these being staggered relative to the commencement of the plots.
- 5.7 In conclusion, officers are therefore satisfied that the proposed changes are reasonable and will facilitate the development of Plot D3, the first of the plots to come forward, whilst maintaining the overall financial contributions and provision of the NEAP and POSs as originally required.

6. RECOMMENDATION

- 6.1 That the S106 Agreement be varied as follows: -
- amend triggers for education contribution of £405,000 to:
 - 5% on commencement of plot D3;
 - 60% on commencement of plots I or F (whichever is earlier); and

- 35% on commencement of plots J1 or J2 (whichever is earlier).
- amend triggers for recreation contribution of £122,000 to:
 - £29,200 within 12 months of commencement of plot D3 (towards adoption and maintenance of the NEAP on either council owned land of plot J2)
 - £42,500 within 12 months of commencement of plots J1 or J2 (whichever is earlier) (towards upgrade of existing NEAP on Kesworth Drive)
 - £50,600 on commencement of plots I or F (whichever is earlier) (towards construction of a NEAP within 1,000m of the development on Teece Drive)
- amend location, requirement for a programme, specification and timescale for construction for the NEAP to:
 - Local authority to provide costing and design layout for location of NEAP on local authority owned land to the south of the existing LEAP or on plot J2;
 - Prior to submission of a Reserved Matters application for plot J2 agree NEAP location with the council;
 - Provide agreed funding, a maximum of £55,000, for construction of NEAP within 12 months of the completion of plot D3;
 - Agree programme, specification and timescale for construction; and
 - Construction of NEAP to be procured and completed by local authority.
- amend triggers for POS contributions to:
 - Provide plan, design and programme for delivery of POS of plots I and F before commencement on I or F (whichever is earlier); and
 - Provide plan, design and programme for delivery of POS of plots J1 and J2 before commencement on J1 or J2 (whichever is earlier).