

Subject:	Portslade Aldridge Community Academy Chalky Road Portslade Request for a variation of s106 dated 27 th January 2012 signed in association with BH2011/02824		
Date of Meeting:	6 th June 2012		
Report of:	Head of Planning & Public Protection		
Contact Officer:	Name:	Jason Hawkes	Tel: 292153
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Wards Affected:	North Portslade		

1. PURPOSE OF THE REPORT:

- 1.1 To consider a request for a variation to the s106 Agreement.

2. RECOMMENDATIONS:

- 2.1 That the Committee resolves to allow the completion of a variation to the s106 planning agreement dated 27th January 2012 relating to Portslade Aldridge Community Academy, Chalky Road, Portslade, in accordance with the proposed heads of terms set out in section 8 of this report.

3. BACKGROUND INFORMATION:

- 3.1 Application **BH2011/02824** granted approval for the demolition of parts of existing school buildings and remodelling and refurbishment of remainder and the construction of a new three storey extension to the north elevation with associated landscaping, revised vehicle and pedestrian access on Chalky Road and altered car parking arrangements. Approval was subject to conditions and a Section 106 Obligation with the following Heads of Terms:

- An employment strategy to secure at least 20% local labour during construction of the project.
- Public art contribution to the value of £10,000.
- Highways contribution of £200,000. This would go towards improving the sustainable infrastructure in the vicinity of the proposed development and in particular improvements to bus passenger waiting facilities and improving cycling provision especially on routes approaching the site such as Chalky Road.

4. PROPOSAL

- 4.1 The applicant has requested a variation of the s106 attached to application BH2011/02824.

4.2 It is proposed to vary the Heads of Terms as set out below:

- Amend the Highways contribution to **£129,300**.

5. CONSULTATION:

5.2 **Sustainable Transport:** No objection.

6. COMMENT:

6.1 The contribution secured in the Section 106 of £200,000 was based on the calculations and figures outlined in Transport Assessments and Statements submitted by the applicant on BH2011/02824.

6.2 The applicant has re-visited the calculations within the Transport Assessment submitted as part of the planning application and indicated that there were errors in its own calculations. The assessment compared the existing situation at the school with the proposed development operating at its physical capacity in order to assess changes to the network. In fact it should have been compared the existing development at its capacity of 1,075 with the proposed capacity and used this comparison as the starting point for calculating contributions. Taking this change into account results in a lower contribution of £129,300.

6.3 The Councils' Sustainable Transport Team have agreed with the revised figures and calculations and have accepted that, based on the revised details, a lower contribution of £129,300 is appropriate.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

None identified.

7.2 Legal Implications:

Lawyer Consulted: Hilary Woodward

Section 106A of the Town and Country Planning Act 1990 provides that an agreement under s106 of that Act may be varied by agreement between the local planning authority and the person against whom the agreement is enforceable.

7.3 Equalities Implications:

None identified

7.4 Sustainability Implications:

None identified

7.5 Crime & Disorder Implications:

None identified

7.6 Risk and Opportunity Management Implications:

None identified

7.7 Corporate / Citywide Implications:

None identified.

8. CONCLUSION

8.1 The applicant has applied to vary the signed s106 agreement as set out at 4.2 of this report.

8.2 The proposed amendments are considered to be acceptable for the reasons as detailed above.

8.3 Therefore, the recommendation is for the heads of terms of the s106 agreement be amended to read as follows:

- Highways contribution of £129,300. This would go towards improving the sustainable infrastructure in the vicinity of the proposed development and in particular improvements to bus passenger waiting facilities and improving cycling provision especially on routes approaching the site such as Chalky Road.

