



Derby City Council

Council Cabinet
4th October 2017

Report of the Cabinet Member for
Neighbourhoods and Public Protection

ITEM 10

Development Related Highway Works: Financial Contributions in Lieu of Works in the Highway.

SUMMARY

- 1.1 In 2008 planning permission was granted by the Secretary of State (SoS) on appeal for housing development in South Derbyshire District Council (SDDC) including developments at Highfields Farm and at Stenson Fields. This was part of a public inquiry into a number of proposed housing developments in SDDC.
- 1.2 Conditions were imposed on both permissions restricting development until certain specified highway works were implemented. The planning consent for Highfield's Farm required highway improvements at the junctions of Chain Lane/Burton Road and at the A5111/Burton Road, whilst that for Stenson Field's required improvements at the junction of A5111/Stenson and A5111 Sinfin Lane.
- 1.3 During discussions to deliver those highway schemes the developers for these sites have proposed to provide financial contributions equal to the cost of the proposed schemes in lieu of the actual roadworks. This proposal has advantages as it will enable the City Council to review what works are required to serve the developments and deliver improvements that may better suit the current highway network. This report recommends that the principle of accepting financial contributions is accepted and seeks to delegate to officers the responsibility for securing the appropriate amounts.

RECOMMENDATION

- 2.1 To accept in principle financial contributions in lieu of the proposed highway improvements at Chain Lane, Stenson Road and Burton Road.
- 2.2 To delegate approval to the Strategic Director, Communities and Place in consultation with the Cabinet Member for Neighbourhoods and Public Protection and the Director of Finance, to agree the level of contributions in lieu of the proposed improvements at Chain Lane, Stenson Road and Burton Road and to enter into any necessary agreements both with the developers and with South Derbyshire District Council.

REASONS FOR RECOMMENDATION

- 3.1 To allow the Council to review and develop alternative transport strategies and proposed works that would better mitigate the impacts of the developments and which would be more acceptable to both the Council as Highway Authority and to local

people.



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SUPPORTING INFORMATION

- 4.1 In 2008 the Secretary of State (SoS) held a public inquiry into six proposed housing developments in South Derbyshire. Permission was granted for three of those sites including the developments at Stenson Fields (App No 9/2007/0020) and at Highfields Farm (App No 9/2006/0775), which are the subject of this report.
- 4.2 As part of the highway mitigation works the SoS required the following highway improvements:
- Stenson Fields:
- the improvement of the Sinfin Lane/A5111 junction and;
 - the conversion of the Stenson Road/A5111 junction to traffic signals including a bus lane on Stenson Road.
- Highfields Farm:
- the conversion of the roundabout at Chain Lane/Burton Road to traffic signals including bus lanes and;
 - the provision of bus lanes at the junction of Burton Road/ A5111.
- 4.3 The highway mitigation works are secured by planning conditions restricting the number of dwellings that can be occupied until the offsite highway works required by the SoS have been delivered. The Highfields Farm planning application was also subject to a S106 agreement which included a separate specific highways contribution which related to the provision of bus lanes at the junction of Burton Road/ A5111

- 4.4 In discussion with the developers of these sites we have reached the following positions:

Stenson Fields:

- An improvement scheme has been agreed for the Sinfin Lane / A5111 junction, which is likely to be delivered in 2018.
- A review of the scheme to convert the Stenson Road/Warwick Road roundabout into traffic signals showed that the proposed scheme would be unlikely to deliver the capacity benefits envisaged when it was proposed at the time of the planning inquiry. Therefore given the level of traffic disruption that would be caused in building the currently proposed scheme it is considered that a better approach may be to accept funding in lieu of the current scheme as a contribution to longer term improvements of the outer ring road. Future improvements are currently being explored and the contribution could provide support to highway officers who have recently sought external funding to allow further investigations into how best to develop the A5111 and adjoining routes.

Highfields Farm:

- The proposed conversion of the roundabout at Chain Lane/Burton Road to traffic signals and provision of a bus lane on Pastures Hill was not well received by the local Neighbourhood Board, consequently the developer has suggested paying a financial contribution in lieu of the current scheme. However it is important to note that in this instance the Council does not currently have an alternative scheme.
- At Highfield's Farm the scheme to provide bus lanes scheme at the Burton Road/A5111 junction is considered unworkable due to the narrowness of the proposed bus lanes and based on the experience of similar width bus lanes elsewhere in the city which were subsequently removed. Highways officers have developed an alternative scheme at this junction.

- 4.5 Given the difficulties in delivering the various improvement schemes as described above and the restrictive planning conditions outlined, the developers have suggested making a financial contribution to allow the Council to develop alternative solutions. Discussions about the level of contribution have taken place however these discussions would need to be concluded and the final level of contribution formally agreed.
- 4.6 In respect of the Burton Road /A5111 scheme, highway officers have considered an alternative scheme costing approximately £300k. Funding to deliver this scheme will come from the S106 funding held by South Derbyshire District Council and no decision is required in this respect.
- 4.7 If the Council is minded to accept financial contributions in lieu of the proposed highway works approval will also need to be sought from SDDC. This will be a matter for the developers to pursue and to seek to vary the respective planning conditions and the respective planning obligations that currently apply. Securing the funding in the terms proposed by the developer is likely to require a section 106 legal agreement involving SDDC, the developers/owners and the City Council. Under the terms of S106 legislation the financial contributions can only be used to facilitate highway works directly related to the planning applications to which they relate.

OTHER OPTIONS CONSIDERED

- 5.1 The alternative approach would be to continue to seek to agree deliverable schemes based on those which are conditioned by the planning consents and the planning obligations. This would likely result in schemes being delivered that would offer little practical advantages to road users and yet which would require considerable expenditure.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Estates/Property officer Service Director(s) Other(s)	Olu Idowu, Head of Legal Services Amanda Fletcher, Head of Accountancy David Gartside, Acting Director Strategic Partnerships, Planning and Transportation
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For more information contact: Background papers: List of appendices:	Paul Chamberlain 01332 641833 paul.chamberlain@derby.gov.uk None Appendix 1 – Implications
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IMPLICATIONS

Financial and Value for Money

- 1.1 The consequences of this report are that the Council would accept financial contributions in lieu of physical highway works. The terms by which the money would be held and used would need to be agreed with the developers and South Derbyshire District Council and controlled by means of an amended S106 agreement.
- 1.2 If the contributions were not to be used by the date stipulated in the S106 agreement there is a potential that the Council would have to refund the contribution with the addition of interest.

Legal

- 2.1 To vary the conditions or planning obligations the developer will need to make an application to SDDC pursuant to 73 Town and Country Planning Act 1996 (as amended).
- 2.2 In considering any changes to, or imposition of obligations, SDDC will need to be satisfied that the statutory tests in the Community Infrastructure Levy Regulations 2010 and the policy tests in the National Planning Policy Framework are met in terms of obligations being necessary for making the development acceptable in planning terms, being directly related to the development, and fairly and reasonably related in scale and kind and in terms of conditions that such are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 2.3 If SDDC approve the changes it is likely, particularly if the monies are to be paid directly to the City Council that the City Council will be a party to any section 106 agreement that is required to effect the changes.

Personnel

- 3.1 None directly arising from this report.

IT

- 4.1 None directly arising from this report.

Equalities Impact

- 5.1 None directly arising from this report.

Health & Safety

- 6.1 None directly arising from this report.

Environmental Sustainability

- 7.1 None directly arising from this report.

Property and Asset Management

8.1 None directly arising from this report.

Risk Management and Safeguarding

9.1 None directly arising from this report.

Corporate objectives and priorities for change

10.1 None directly arising from this report.