

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker:	Ben Clifton - Team Leader – Strategic Transport
Title:	Land at Swanwick Marina, Bridge Road, Fareham – Supplementary Agreement under S106 Agreement
Reference:	

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1. The decision:

1.1. That authority be given to the Chief Executive's Department in accordance with Paragraph 1.23 of the Economy, Transport and Environment Department's Scheme of Delegation to enter into an agreement under Section 106 of the Town and Country Planning (General Development) Order 1995 with Fareham Borough Council, Premier Marinas (Hamble) Limited and Crown Estate Commissioners relating to Land at Swanwick Marina, Bridge Road, Fareham, Hampshire.

2. Reason(s) for the decision:

2.1. An agreement under Section 106 of the Town and Country Planning Act was entered into between Hampshire County Council, with Fareham Borough Council, Premier Marinas (Hamble) Limited and Crown Estate Commissioners on 4 April 2008. This agreement with respect to the housing element of the Development of the Swanwick Marina secured a package of transport mitigation measures comprising;

- A £53,525 transport contribution (indexed linked) was secured towards the Solent Transport Strategy as contained in the Local Transport Plan (2006-2011) or such measures as will encourage users of the Development to travel to and from the Development by means of transport other than the private car.
- Provision of a 1.8m footway along both sides of Swanwick Shore Road along the frontage of the site to link with the shoreline public footpath.
- All necessary footway crossovers onto Swanwick Shore Road
- The widening of Quay Lane to 6m along the frontage of the Development including within the 6m widening of Quay Lane the provision of a 1.8m wide footway along the site frontage linking with Bridge Road footway.

- 2.2 These measures were considered sufficient to mitigate the transport impact of the Development permitted under P/07/0764/FP.
- 2.3 A further application for the housing element of the Swanwick Marina Development has been submitted under P/14/0233/VC to vary the original planning permission through the variation of condition 35 to reduce the required Affordable Housing provision within the Development from 35% to 10% as a result of Viability Assessments has been granted permission by Fareham Borough Council.
- 2.4 The new planning permission will constitute a new planning consent in its own right, and as such it is necessary to enter into a Deed of Variation to secure that the original package of mitigation measures apply to the new consent, and to ensure that the Development is supported by adequate associated infrastructure.
- 2.5 It should be noted that now due to the CIL legislation requirement concerning pooling contributions that the owner and the County Council have agreed that the transport contribution will be spent towards the provision of a cycle route along the A27, from the eastern side of the Windover Roundabout, Bursledon through Swanwick to Barnes Lane, Sarisbury Green.

3. Other options considered and rejected:

Not to agree to enter into the agreement

- 3.1. This option was considered but dismissed on the basis that this would result in development which was not supported by adequate transport infrastructure and does not sufficiently promote sustainable transport.

4. Conflicts of interest:

- 4.1. Conflict of interest declared by an Executive Member who is consulted by the officer which relates to the decision: None

5. Dispensation granted by the Head of Paid Service:

- 5.1. None

6. Supporting information:

- 6.1. Final draft legal agreement

Approved by:

Date:

27 November 2015

Ben Clifton – Team Leader, Strategic Transport

**On behalf of the Director of Economy, Transport and
Environment**