

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker:	Ben Clifton – Team Leader, Strategic Transport
Title:	Plot 60 Andover Trade Park, West Portway Industrial Estate, Andover – S106 Deed of Variation
Reference:	PT33A 2244

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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 Test Valley Borough Council and Central & Country Developments Limited relating to Land at Andover Trade Park, Joule Road, West Portway, Andover.

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, Test Valley Borough Council, Intercontinental Hotels (Management Services) Limited and Central & Country Developments Limited on the 24rd March 2005. This was varied by an agreement dated 20th Jan 2010 and again by a further agreement dated 23rd April 2012. These agreements secured a package of transport mitigation measures comprising;
 - Ghost island on the A342, widening of exit lane at the Reith Way/A342 junction, alteration of the junction into the development to provide a turning head, improved pedestrian/cycling crossing facilities at the 100 Acre Corner Roundabout, new footway between 100 Acre Corner Roundabout and the southeast corner of the development, upgrading of footway along Macadam Way to a shared footway/cycleway use and removal of turn, and removal of turning head at Joule Road and improvements to the redundant turning head.
 - £77,700 index-linked, comprising £75,000 towards pedestrian and cycle improvements on the A343, £200 towards passenger transport facilities in the vicinity of the development and £2,500 towards cycle route signage in the vicinity of the development.
 - County Council's written approval of a Green Travel Plan prior to opening any part of the land.

- 2.2 These measures were considered sufficient to mitigate the transport impact of the development permitted under TVN.04471/12, 08/00973/FULLN and 12/00416/FULLN.
- 2.3. A further application for the land has been submitted under reference 12/00416/FULLN, which seeks to vary the permitted development by reducing the Highways Contribution payable from £57,700.00 to a non-index-linked £9,636.71 to accommodate the commercial viability of the site. This application will be determined by Test Valley Borough Council.
- 2.4. The new planning application, if permitted, will constitute a new planning consent in its own right, and as such it is necessary to enter into the Deed of Variation to the Section 106 Agreement to secure that the original package of mitigation measures apply to the new consent, and to ensure that development is supported by adequate associated infrastructure.
- 2.5 The legal agreement secures the above planning obligations in order that adequate transport mitigation is secured against the development.

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:

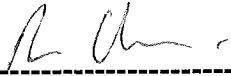
- 5.1. None

6. Supporting information:

- 6.1. Final draft legal agreement

Approved by:

Date:



05/12/2014

Ben Clifton – Team Leader, Strategic Transport

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