

HAMPSHIRE COUNTY COUNCIL

Officer Decision Record

Decision Maker:	Ben Clifton – Team Leader, Strategic Transport
Title:	Land at Plot B of Plot 1, Andover Business Park, Andover, Hampshire – S106 Agreement KHH/VL/S106Agrts(0097)
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 Test Valley Borough Council and Goodman Real Estate (UK) Limited relating to Land at Plot B of Plot 1, Andover Business Park, Andover, 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 Goodman Management (Jersey) Limited, Test Valley Borough Council and Hampshire County Council on the 23rd July 2009. This agreement secured a package of transport mitigation measures comprising;

- Major Improvements to Monxton Road and 100 Acre Corner Roundabout including a new 3 lane vehicular bridge over the A303 (T) to create a signalised gyratory linking Monxton Road and the A303 (T) and the A342 and the A343 and Weyhill Road in association with the Site Access Road and comprehensive pedestrian and cycle improvement including a cycle track connection to the existing route on the A342 Weyhill Road plus ANPR equipment on both sides of the Site Access Road and on both sides of the carriageway of the A342, the A343, the B3402, Monxton Road and the A3057.
- A financial contribution of £2,000,000 (index linked) to be used by the County Council towards the objectives of the Andover Town Access Plan and towards any other costs incurred by the County Council in the design and construction (including consultation costs) of any other highway improvement works and/or traffic management schemes

and/or passenger transport infrastructure or facilities which the County Council determines will contribute to the improvement of highway condition on the part of the network directly affected by the development

- Enter into a S278 Agreement in order to provide an ANPR system to monitor the barred routes of the A3057, A342, A343, B3402, B3048, C43 Monxton Road for HGVs and LGVs arriving and departing the development site.
- Barred route contribution of £500 per vehicle logged by the ANPR system using a barred route to be used on the objectives of the Andover Town Access Plan and towards any other costs incurred by the County Council in the design and construction (including consultation costs) of any other highway improvement works and/or traffic management schemes and/or passenger transport infrastructure or facilities which the County Council determines will contribute to the improvement of highway condition on the part of the network directly affected by the development and payable by the Owner.
- Site Travel Plan including a Secured Amount of £425,000 as surety for measures including a free 2 month 'mega rider' bus ticket, time table information, jointly funded taxi provision, provision of a car sharing database.

- 2.2 These measures were considered sufficient to mitigate the transport impact of the development permitted under TVN.06096/8.
- 2.3. A further application for the land has been submitted under reference 14/02875/FULLN, which seeks to vary the permitted development so that the owner consents to jointly and severally with the Borough Council and the County Council to observe and perform the Planning Obligations covenants restrictions and agreements on the part of the Owner contained in Schedules 5 and 6 of the Existing Agreement as if:
- (a) the Land at Plot B of Plot 1 Development formed part of the Development;
 - (b) references in the Existing Agreement to the "Development", included the Land at Plot B of Plot 1 Development; and
 - (c) references in the Existing Agreement to a "Building" included the Land at Plot B of Plot 1 Building. This application was 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:

17th September 2015

Ben Clifton – Team Leader, Strategic Transport

On behalf of the Director of Economy, Transport and Environment