



Hinckley & Bosworth
Borough Council

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PLANNING COMMITTEE 20 November 2018

WARDS AFFECTED: Barlestone, Nailstone and Osbaston
Markfield, Stanton and Fieldhead

**PROPOSED VARIATION TO SECTION 106 RELATING TO PLANNING
APPLICATIONS 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT**

Report of Interim Head of Planning

1. PURPOSE OF REPORT

- 1.1 A report was taken to 10th October 2018 planning committee regarding the proposed variation to Section 106 relating to planning applications 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT to amend the off site highways works originally agreed.
- 1.2 The original report (see appendix A) was discussed at this meeting and questions were raised from members with regards to highways works Leicestershire County Council Highways have identified on a plan and if this would be part of works necessary for this development. Additional questions were raised with regards to the proposed variations. The item was deferred to obtain further information from the highways authority.
- 1.3 A meeting was held between Leicestershire County Council (Highways), the chair and vice chair of Planning Committee and Councillor Crooks as a ward member and a Senior Planning Officer on the 19th October 2018.
- 1.4 This report provides an update to this matter and a revised recommendation to Planning Committee.

2. RECOMMENDATION

- 2.1 That a deed of variation to the signed Section 106 for planning application reference 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT be agreed to amend the off site highways works to those outlined in the following plans:
 - 018750 CA-0-G00-DR-SE-1000-P09
 - 4752.000H1/1/001
 - 4752.000H1/1/002
 - 4752.000/H1/1/003
 - Provision of footpaths from Nailstone to the application site

- Provision of bus stops within the site and on Bagworth Road and Grange Road
- 2.2 That the Interim Head of Planning be given delegated powers to determine the final wording of the S106.

3.0 Further information and amended request to vary the Section 106

- 3.1 The additional highways works identified at the 10 October planning committee raised by Councillor Crooks were a gateway feature to Bagworth Road to the west of Nailstone and a priority working feature.
- 3.2 The gateway feature along Bagworth Road to the west of Nailstone is secured by Condition 22 of application 10/00851/EXT. This detail has been submitted to the council and the condition has been discharged however the final positioning is to be agreed with LCC Highways as part of the Section 278 works agreement.
- 3.3 The application 10/00851/EXT has been implemented and this has been confirmed in writing by the local planning authority on the 10th April 2017. The applicant has however confirmed that the country park is not completed and works to construct the employment units have not begun.
- 3.4 Leicestershire County Council (Highways) have identified that the gateway feature and the priority working feature which have been presented to Councillor Crooks are a commitment from LCC Highways and a letter of comfort would be provided by the Director. This letter has not yet been received.
- 3.5 Following the meeting with members and LCC Highways and subsequent further discussions between the applicant and officers the following additions have been included to the request to vary the S106 by the applicants:
- 1m footpath to Nailstone village (as per approved S106 but further details will be provided);
 - Northbound bus stop on Bagworth Road adjacent to the junction with Grange Road (as per approved S106 but further details will be provided);
 - Southbound bus stop on Grange Road just before the junction with Bagworth Road (as per the approved S106);
 - 1m footpaths connecting to these bus stops (as per approved S106 but further details will be provided);
 - 1m footpaths connecting to the footpath entrance to the country park on Wood Road (as shown on the approved plan used to discharge condition 13);
 - Relocation of bus stops approved in the s106 as being outside site vehicle entrance to put them within the site boundary
- 3.6 The plans to include these changes have not yet been submitted, however the applicant has confirmed that these will be submitted and available prior to the committee date.
- 3.7 The full amendments to the Section 106 are outlined in the table 1 below for clarity:

Table 1.

Location	Original obligation off site highway works	Proposed amendments to off site highway works
Main Site Access off site works	This includes the appropriate visibility splays for the	The drawing provided is significantly more detailed,

	<p>access to the site and a ghost turning island.</p> <p>drawing number 15209/003/002 Rev D</p>	<p>identifying the ghost turning island, all required visibility splays and alterations necessary to achieve a suitable access to the development.</p> <p>Drawing number 018750 CA-0-G00-DR-SE-1000-P09</p>
<p>Wood Road B585/Grange Lane B582/Bagworth Road Junction</p>	<p>New roundabout</p> <p>Drawing number 15209/003/001</p>	<p>The roundabout has been removed.</p> <p>The applicants have identified that the footpaths shown on the original drawing to connect Nailstone to the application site will be retained and drawings will be submitted to secure these works and written into the Section 106.</p>
<p>Junction of Victoria Road/Ellistown Terrace Road/Station Road Junction</p>	<p>Junction improvements including traffic signals</p> <p>Drawing number 152009/003/004</p>	<p>The carriageway is proposed to be widened with two lanes, one right turn only and a second left turn only. The traffic signals are still proposed.</p> <p>Drawing number 4752.000H1/1/001</p>
<p>Station Road/ Wood Road Junction</p>	<p>Junction Improvements including traffic signals</p> <p>Drawing number 152009/003/005</p>	<p>This junction is proposed to be a compact roundabout the traffic signals have been removed.</p> <p>Drawing Number 4752.000H1/1/002</p>

- 3.8 The previous report in paragraph 4.4 identified that two bus stops at Bagworth Road and Grange Road would be removed, however this is no longer the case and the applicant is committed to providing these and will be submitting a plan to show their location and footpaths connecting them. Additionally the bus stop serving the site is identified within the Section 106 as a bus stop at the main entrance to the application site (northbound and southbound). The applicant has indicated that the bus stops will now be situated within the site on the access road, rather than on the highway outside the site, which the applicant has highlighted would be better for traffic management. A plan to indicate this will also be submitted prior to the committee determining this matter.
- 3.9 Leicestershire County Council (Highways) have no further comments from those previously identified in the original report to planning committee (see appendix a).

3.10 It is considered that the amendments proposed and outlined in this report are acceptable and would mitigate the impacts of the development. The obligations are still considered to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and meet the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

4.0 Recommendation

4.1 That a deed of variation to the signed Section 106 for planning application reference 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT be agreed to amend the off site highways works to those outlined in the following plans:

- 018750 CA-0-G00-DR-SE-1000-P09
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- Provision of bus stops within the site and on Bagworth Road and Grange Road

4.2 That the Interim Head of Planning be given delegated powers to determine the final wording of the S106.

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