Proposed variation to Section 106 relating to planning applications 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT

The applicant has submitted a plan which identifies the location of the proposed footway to serve the bus stops required by the section 106 on Bagworth Road and Grange Road. The footpath connects Nailstone with the two bus stops and the footpaths to the country park within the application site.

The draft wording of the deed of variation has also been submitted by the applicant which identifies that the bus stops and footpaths identified on the submitted plan shall be completed prior to the occupation of the development; the amendments to the drawings of the off site highway works in line with table 1 of the committee report; the road maintenance works identified in drawing 4752.000/H1/1/003 to be completed prior to occupation of the development and the provision of two bus stops (one northbound and one southbound) in the vicinity of the main entrance to the Application site; to be provided prior to occupation of the site.
The details provided are in accordance with the details set out in the committee report and are considered acceptable.

Leicestershire County Council (Highways) have provided a letter of commitment stating that within the package of works proposed to be carried out by Leicestershire County Council (Highways) under a Section 278 agreement, in addition to a gateway feature a priority working feature is proposed and will be subject to necessary public consultation prior to its delivery. These works fall outside the scope of the Section 106 due to their retrospective nature, however LCC Highways works are committed to their delivery and the letter of commitment is attached for your information at the end of this report.

Recommendation:-

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
- Footpath & Bus Stop Strategy Site Plan (13/052) received 14th November 2018

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

Leicestershire County Council

By e-mail

Date: 15th November 2018
My Ref:
Your Ref:
Contact: Jo Farragher
Phone: 0116 305 7009
Fax:
Email: Jo.Farragher@leics.gov.uk

Dear Mr Crooks CC,

Nailstone Colliery Section 106 Variation – Delivery of Highway Works

The developer of the Midas 22 site (former Nailstone colliery) and Leicestershire County Council (LCC) have been working together for the past 7 months to produce a works package that effectively mitigates the impact of their proposed development (the Scheme).

Changes to the developer's original obligations were necessary due to issues surrounding the deliverability of the obligations. These issues have been identified to Hinckley & Bosworth Borough Council (HBBC) and justified in previous correspondence between LCC officers, HBBC officers and various local members.

Subject to the S106 deed of variation being agreed, the developer and LCC are ready to enter into a S278 agreement setting out the terms of delivery and funding for the Scheme.

A gateway feature is listed as a planning condition and the developers have in addition, agreed to fund a priority working feature. To make best use of the contractor appointed by LCC, both of these features are to be included in the Scheme. The detailed design of these features is being carried out by LCC officers in advance of the contract being awarded and will form part of the Scheme package to be costed by the appointed MHA contractor.

I am writing to you in order to provide assurance to yourselves that LCC are committed to the delivery of the priority working feature, subject to the necessary public consultation.

Environment and Transport Department
Leicestershire County Council, County Hall, Glenfield. Leicestershire LE3 8RJ
Telephone: 0116 305 0001 Fax: 0116 305 0006 Minicom: 0116 305 0007
Email: etd@leics.gov.uk

Ann Carruthers, Director

www.leicestershire.gov.uk

Similarly, I would like to assure you that there has been a strong commitment to delivery of the priority working feature from the developer and as such LCC are confident that the Scheme will be delivered in its entirety.

Yours sincerely

[redacted]

Ann Carruthers
Director, Environment and Transport

CC Ms Helen Knott
Councillor Ward
Councillor Sutton