

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 5
DATE OF MEETING:	20th JULY 2021	CATEGORY: DELEGATED
REPORT FROM:	HEAD OF PLANNING AND STRATEGIC HOUSING	
MEMBERS' CONTACT POINT:	JESSICA CHEADLE jessica.cheadle@southderbyshire.gov.uk	DOC:
SUBJECT:	DEED OF VARIATION - LAND AT HIGHFIELDS FARM	REF: 9/2011/0640 & 9/2014/0275
WARD(S) AFFECTED:	WILLINGTON AND FINDERN	TERMS OF REFERENCE:

1. Background

- 1.1 Members may recall that the site, known as Highfields Farm, Findern, was granted outline planning permission for up to 1200 homes in January 2012. The Section 106 agreement can be found under permission reference 9/2014/0275.
- 1.2 The Third Schedule of the original S106 agreement called for off-site highways works comprising, "the provision of a new bus lane on sections of the A520 Burton Road to provide bus priority at the A5111 Outer Ring Road / A5250 Burton Road junction and the provision of anti-skid surfacing on the south bound approaches to the Hollybrook Way and Callow Hill Way roundabouts on the A520" and the sum of £1,327,000.00 to be paid towards the completion of the works.

2. Recommendations

- 2.1 That the Committee approves the request to amend the Section 106 Agreement (S106) and subsequent Deed of Variation (DoV) to include amendments to be made to the third schedule of the Section 106 Agreement– Bus Service and Improvement Measures. This is based upon recommendations that have been received from Derby City Council.
- 2.2 That the Committee delegate authority to the Head of Planning and Strategic Housing to agree the finer detail and wording of the obligations to be secured under the DoV.

3. Purpose of Report

- 3.1 To inform the Committee of the proposed changes to the S106 Agreement at Highfields Farm.

4. Discussion

- 4.1 The Planning Policy Team have been approached by the Developer Consortium (Barratt Homes, Miller Homes and Taylor Wimpey) wishing to propose a variation to the formally agreed schedule by means of a DoV. This is following

discussions that have taken place with Derby City Council Highway Department and the Developer Consortium. The previously approved scheme is no longer considered to be workable by the City Council, therefore they will provide a more appropriate scheme, as part of a wider highway improvement scheme.

4.2 The mitigation works required within the Section 106 agreement are still to be undertaken, however rather than the Developer Consortium, Derby City Council will undertake the works, as part of a wider highway improvement scheme.

4.3 The proposed amendments are outlined in the table below.

	Existing Section 106 Agreement	Proposed Amendments to Agreement
Highways Contribution	£1,327,000	£300,000
Highways Works Definition	The provision of a new bus lane on sections of the A520 Burton Road to provide bus priority at the A5111 Outer Ring Road / A5250 Burton Road junction and the provision of anti-skid surfacing on the south bound approaches to the Hollybrook Way and Callow Hill Way roundabouts on the A520	To be revised subject to the agreement of Planning Committee
Additional Highways Works		Additional £1,625,000 towards recommended scheme by Derby City Council. This will replace the works as detailed within condition 27 of the outline planning permission. The amendments will be sought through a planning application made by the Developer Consortium.

5. Financial Implications

5.1 There are no financial implications associated to the Council for this change as the costs of the DoV will be paid for by the Developer Consortium.

6. Corporate Implications

6.1 None.

7. Community Implications

7.1 The most appropriate highway works have been selected to be undertaken.

8. Background Information

a) Section 106 Agreement:

[Planning Applications, Decisions and Appeals \(southderbyshire.gov.uk\)](http://southderbyshire.gov.uk/PlanningApplicationsDecisionsAndAppeals)

b) Outline Planning Application:

<https://planning.southderbyshire.gov.uk/ApplicationDetail.aspx?Ref=9/2011/0640>