

**OFFICER REPORT FOR COMMITTEE**

**DATE: 15/11/2023**

**Q/0826/23  
PERSIMMON HOMES SOUTH COAST**

**STUBBINGTON WARD  
AGENT: PERSIMMON HOMES**

DEED OF VARIATION TO SECTION 106 UNILATERAL UNDERTAKING DATED 10 NOVEMBER 2021 REGARDING APPLICATION P/20/0522/FP, RELATING TO TEMPORARY ACCESS ARRANGEMENTS TO ENABLE OCCUPATION OF DWELLINGS IN ADVANCE OF COMPLETION OF MAIN SITE ACCESS ROAD FROM PEAK LANE

LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE,  
STUBBINGTON, FAREHAM

***Report By***

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**1.0 Introduction**

- 1.1 Planning permission was granted for this site on appeal in January 2022 under appeal reference APP/A1720/W/21/3275237 for the following proposal:

*Development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, substation, public open space and associated works.*

- 1.2 Planning permission was granted on the basis that a new access road would be formed between the site and Peak Lane (just south of the Stubbington Bypass junction) before any of the properties were occupied. The developer gave a legal undertaking to this effect.
- 1.3 The legal undertaking secured the provision of a realignment of Oakcroft Lane through the provision of a dedicated access road from Peak Lane to the site, before re-connecting to Oakcroft Lane westwards. The existing eastern access to Oakcroft Lane would subsequently become a 'no through road', with access only to those properties east of the development site.
- 1.4 Within the Section 106 Unilateral Undertaking, Schedule One (Highways and Travel Plan Obligations), paragraph 2.1 states:

*"The Owner covenants not to Occupy nor permit Occupation of the Development unless and until the Highway Works have been carried out and*

*completed to Completion Certificate Standard under a s278 Agreement entered into with the County Council”.*

- 1.5 Those ‘Highway Works’ are defined in the Section 106 Unilateral Undertaking, Schedule One as being:

*“Access works and pedestrian infrastructure to connect to a new pedestrian refuge on Peak Lane as shown in principle in drawing 048.0013.001 Rev D...”*

- 1.6 The development of the site is now well progressed and the first dwellings will be ready for occupation at the beginning of December 2023. A section of the new access road has been constructed. Whilst the Section 278 application with the County Council was submitted some time ago, it has only recently been concluded with works scheduled to take place to finalise the connections between Peak Lane and Oakcroft Lane starting in January 2024. These final highway works are anticipated to take 3 months to complete, with the main length of the access road having already been constructed. Only the connections to the wider road network need to be undertaken. However, as those discussions and negotiations regarding the Section 278 application took considerably longer than expected, the developer is seeking to vary the terms of the obligation set out above, to enable up to 30 dwellings to be occupied before the new access road defined as ‘Highway Works’ is completed and available for use.
- 1.7 Subsequently a variation of the Section 106 Agreement is sought to provide a safe means of access to the site for residents via Oakcroft Lane to enable up to 30 properties to be occupied in advance of the formal completion of the dedicated access road from Peak Lane to the development site.

## **2.0 Consultations**

### **Highway Authority – Hampshire County Council**

- 2.1 No objections in respect of highway safety concerns, subject to compliance with the Technical Note 048.0013/TN/7, which stipulates:
- Access for up to 30 dwelling prior to completion of the Section 278 works (creation of the main Peak Lane to Oakcroft Lane access road).
  - Temporary Road Closure permission has been granted between Temporary Access 1 and Temporary Access 2 (Figure 5 of the Technical Note). This will restrict through traffic on Oakcroft Lane and will be implemented following permission being granted to amend the S106 Unilateral Undertaking and completed prior to first occupation.
  - Phase 1 - Implementation of a temporary bellmouth access onto Oakcroft Lane broadly in the location of the site access S278 works (Temporary

Access 1) prior to construction of the S278 works being undertaken. This access will be used by residential traffic only; during Phase 1, construction traffic will use the existing construction access (Temporary Access 2) only.

- Phase 2 - During construction of the S278 works, the existing construction access (Temporary Access 2) would be utilised by residential traffic for the duration of the S278 works. During this period construction traffic would share this access with the residential traffic. The duration of this arrangement is expected to be a circa 2 week period.

### **3.0 Comments**

3.1 In summary, the deed of variation would enable, in advance of the completion of the new access road between Peak Lane and Oakcroft Lane, the occupation of up to 30 dwellings on the site. The material consideration for this change would be the impact on highway safety for users of the site and Oakcroft Lane before the main access is fully operational. The provision of a separate access for residents (via Temporary Access 1) for the majority of the period would ensure minimal conflict with construction traffic. When the connection to Oakcroft Lane is undertaken of the Section 278 Highway Works, for only a short period of time will residents and construction traffic make use of the same access (Temporary Access 2). After which all traffic into the site will be able to make use of the new access road from Peak Lane.

3.2 In view that the Highway Authority has carefully considered these arrangements and concluded that no highway safety concerns are raised subject to compliance with the submitted Technical Note, Officers consider the proposed arrangements are acceptable and would not conflict with Policy TIN2 of the Fareham Local Plan 2037, in that no unacceptable impact on highway safety would be created, and the residual cumulative impact on the road network is not severe.

### **4.0 Recommendation**

4.1 That Members authorise the deed of variation to the legal agreement to enable the provision of the temporary access arrangements in accordance with the advice of the Highway Authority into the site for residents and the occupation of no more than 30 dwellings on site until the primary access road from Peak Lane is constructed and completed.

### **5.0 Background Papers**

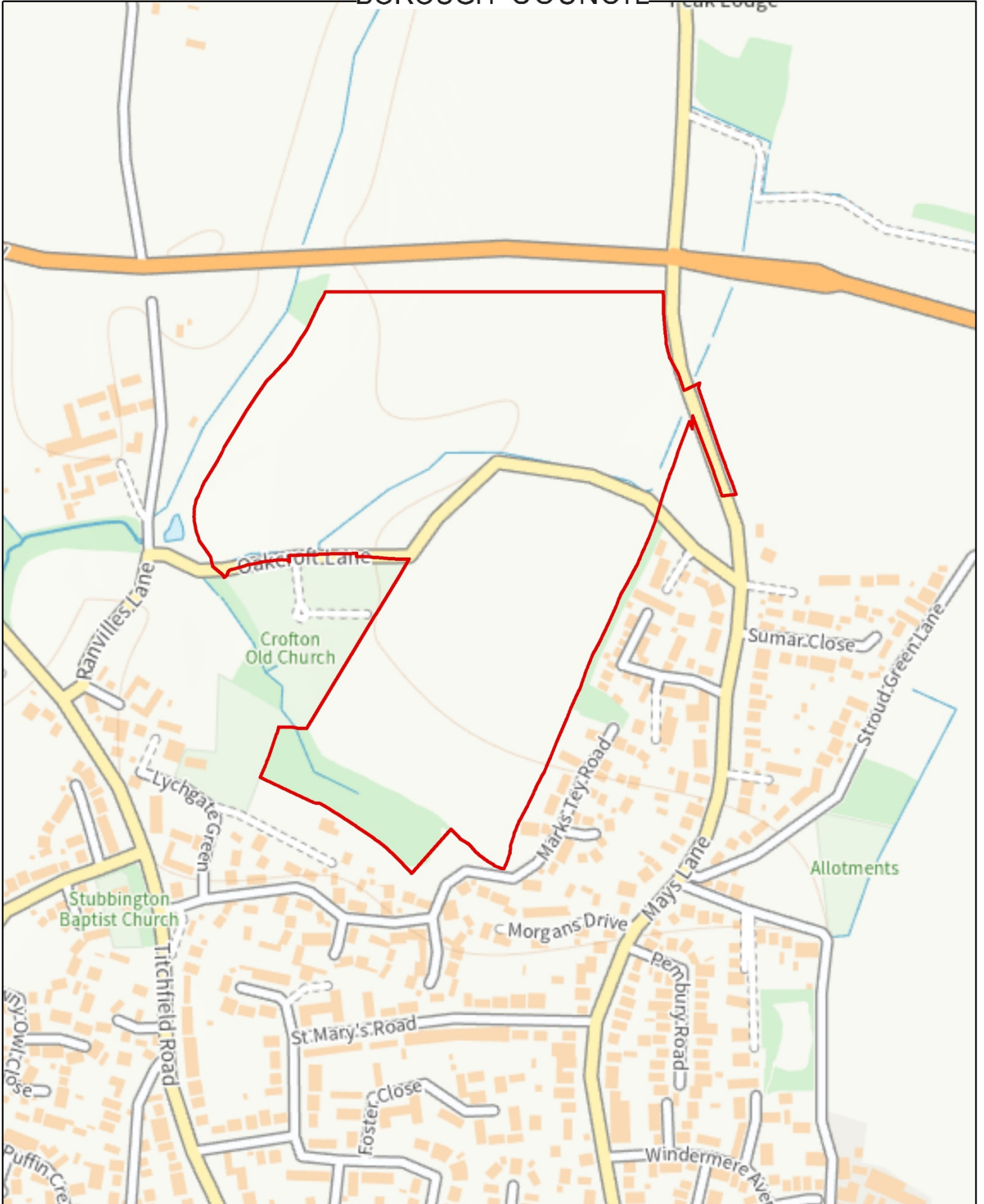
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# FAREHAM

BOROUGH COUNCIL



Land East of Crofton Cemetery and  
West of Peak Lane, Stubbington

Scale 1:5,000



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