

OFFICER REPORT FOR COMMITTEE

DATE: 10/08/2022

Q/0915/22

PORTCHESTER WEST

MILLER HOMES LIMITED

DEED OF VARIATION OF SECTION 106 UNILATERAL UNDERTAKING
REGARDING TRIGGER FOR HIGHWAY WORKS AT A27/DOWNEND
ROAD/SHEARWATER AVENUE JUNCTION

LAND EAST OF DOWN END ROAD, PORTCHESTER

Report By

Richard Wright – direct dial 01329 824758

1.0 *Introduction*

1.1 In October 2021 outline planning permission was granted on appeal for the construction of up to 350 dwellings on land to the east of Down End Road, Portchester (planning reference P/20/0912/OA; appeal reference APP/A1720/W/21/3272188). The planning permission is subject to a Section 106 planning obligation which secures various obligations including financial obligations and off-site highway works.

2.0 *Description of Proposal*

2.1 As part of the development, Schedule One of the Section 106 requires the owner of the land to enter into a Highway Works Agreement pursuant to Section 278 of the Highways Act 1980 to deliver various off-site highways works. This includes a scheme of works to improve the capacity of the junction of Down End Road with the A27 and Shearwater Avenue.

2.2 The developer, Miller Homes, has made a request to the local planning authority, Fareham Borough Council, to vary the Section 106. Instead of the works to the junction having to be completed prior to the occupation of the first dwelling on the site, Miller Homes have requested the wording of the Section 106 be varied to allow for up to 74 dwellings to be occupied before the works must be completed. If considered acceptable in planning terms, the Section 106 could be amended accordingly by the parties entering into a Deed of Variation.

2.3 The nature of the works themselves would remain unchanged and include the provision of two southbound approach lanes on Down End Road, the introduction of MOVA technology to the traffic signals and the revision of yellow markings and lane tracking markings.

- 2.4 Miller Homes have explained that the reason for this request is that they are unlikely to be able to carry out the junction improvements until after March 2024. This is because a Hampshire County Council scheme of improvements to the A27, delivered under the Transforming Cities Fund (TCF), is already scheduled to begin in January 2023 and last until March 2024. The junction works are unable to take place at the same time. Miller Homes have explained that this is because HCC are not agreeable to including the junction within the TCF scheme of works and, owing to health and safety issues, it would not be possible to have two sets of contractors on the same road space concurrently. The Miller Homes works are reliant on the completion of the TCF works and so can only occur after the HCC scheme has been completed. To minimise any delays it is intended that Miller Homes' junction works will run directly after the HCC TCF scheme is completed in March 2024. Miller Homes would then deliver its works as a second phase. Miller Homes have given a commitment to continue liaising with HCC to see if there becomes any flexibility in the TCF programme/road space booking that may allow the works to be brought forward.
- 2.4 There would be no changes to any of the other obligations in the Section 106 such as, for example, the details or the trigger for the improvements to the Down End Road bridge.

3.0 *Planning Considerations*

- 3.1 The purpose of the obligation to provide the junction improvements is, in combination with the other works secured in the Section 106, to avoid residual cumulative impacts on the road network which would be severe (in accordance with paragraph 111 of the NPPF). The principal consideration for Members in deciding whether to grant Miller Homes' request is whether the obligation would continue to serve this purpose equally well if varied. In other words, whether the residual impact on the road network of up to 74 dwellings being occupied before the junction improvements are completed would be severe.
- 3.2 The current forecast from Miller Homes is that development would commence in January 2023 with the first of the dwellings at the site occupied in June that year. By January 2024, Miller Homes are forecasting the occupation of some 50 dwellings. With this in mind, and anticipating that the works to the junction may not be carried out until April 2024, Miller Homes have assessed the likely impact from up to 75 dwellings being occupied before then.
- 3.3 The assessment by Miller Homes has been based on an updated traffic survey of this junction in March 2022. The survey results show that traffic flows during the morning peak hour were 12% lower than the last survey which was carried out in 2016. In the evening peak hour traffic flows were slightly greater by 1%.

- 3.4 This baseline survey data has been used to assess the existing junction in the year 2024 in advance of the capacity improvements being delivered and with up to 75 dwellings on the site. The assessment shows that the impacts would be small in real terms with morning peak hour queues expected to increase by 1 – 2 vehicles with delay increases of 5 – 9 seconds. In the evening peak hour there would be negligible changes in queues and a modest increase in delay. These impacts would of course be temporary until the capacity improvements are carried out.
- 3.5 Before submitting their request to the Council, Miller Homes approached the highway authority Hampshire County Council about this matter. The highway authority have subsequently confirmed to the Council that they are content with a variation to the original trigger from prior to first occupation to prior to the occupation of 75 dwellings.
- 3.6 In summary, based on the assessment provided by Miller Homes and the confirmation of acceptance from the highway authority, Officers are satisfied that the residual impact of up to 74 dwellings being occupied before the junction improvement works are carried out would not be severe and the Council could therefore enter into the requested Deed of Variation.

4.0 Recommendation

- 4.1 That Members authorise the completion of a Deed of Variation to the Section 106 along the following lines:
- a) To vary the obligation relating to the completion of the Down End Road/A27 capacity improvements to require completion of those works prior to the occupation of the 75th residential unit.

5.0 Background Papers

P/20/0912/OA