

PLANNING COMMITTEE

31 MARCH 2010

URGENT ITEM - NATIONAL GRID PROPERTY HOLDINGS GRAIN – PLANNING APPLICATION MC/09/1628

Report from: Robin Cooper, Regeneration, Community and Culture

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Summary

This report asks the Committee to consider an issue relating to the Section 106 agreement approved for Planning application MC/09/1682

1. Budget and Policy Framework

- 1.1 The Planning Committee has the authority to consider issues relating to Section 106 agreements.
- 1.2 Reason for urgency: It is necessary for the Committee to give consideration to amending the Section 106 agreement for planning application MC/09/1682 at this meeting so as to retain the funding from external sources.

2. Background

- 2.1 The Planning Committee at its meeting on 10 March 2010 approved planning application MC09/1682 (National Grid Property Holdings, Grain Road, Isle of Grain) subject to the applicants entering into a Section 106 agreement and various conditions. One of these conditions was that the developer pay a financial contribution of £5,375,000 towards safety and capacity improvements on the A228 between the site and Four Elms Roundabout.
- 2.2 However, the report to committee on 10 March 2010 clearly indicated that this funding would be spent on the replacement of Stoke level crossing with a bridge structure
- 2.3 Given that the funding for the Stoke Highway Works (proposed bridge over Stoke Crossing) is reliant on external sources (the Community

Infrastructure Funding), it is necessary for the Section 106 agreement to factor in scenarios in the event that for some reason the Stoke Highway Works do not take place.

2.3 One such scenario is set out below as an example:

In the event of the Stoke Highway Works not taking place, the Council shall be entitled to apply the Stoke Crossing Highway Works Contribution (£5 million) to such other highway improvement works between the Site and Four Elms Roundabout (inclusive) as the Council decides and for the developer to implement the planning permission in this scenario.

2.4 Members are requested to confirm that this flexibility can be built in to the s106 agreement in the event that the Council is not able to proceed with the Stoke Highway Works.

3. Consultation

3.1 The applicant has requested that the s106 agreement contain fallback provisions allowing them to proceed with the development even if the Council are unable to proceed with the Stoke Crossing Highway Works. They are satisfied that the Council would be entitled to retain the s106 agreement monies to use on other highway schemes if the Stoke Crossing Highway Works could not occur.

4. Financial and legal implications

4.1 The provisions of the s106 Agreement will be binding on the landowner and successors in title and need to reflect the resolutions of the Planning Committee.

5. Recommendation

5.1 The Committee is requested agree that the Section 106 agreement approved at Minute 649(A) can be concluded in a form that permits the development to proceed in the event that the Stoke Highway Works cannot be undertaken, on the basis of payment of the £5,375,000.00 from the developer to be used by the Council on such other highway improvement works between the Site and Four Elms Roundabout (inclusive) as the Council decides.

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Background papers

Planning application files MC/09/1628