

**REQUEST FOR VARIATION TO SECTION 106 LEGAL AGREEMENT
LAND NORTH-WEST OF WINCHESTER ROAD, BOORLEY GREEN**

1.0 Introduction

- 1.1 This document has been prepared by Miller Homes to outline the reasons for requesting a variation to the S106 legal agreement at the site north-west of Winchester Road, Boorley Green (known as Boorley Gardens).
- 1.2 Outline planning permission was granted for the development of the site by decision notice dated 30th November 2016 (application ref: O/15/75953, as amended) and is accompanied by a S106 legal agreement (dated 16th June 2016). The development approved is follows:
- “Development of a new sustainable neighbourhood comprising of up to 680 residential units, a new local centre including provision for small scale retail and/or community/healthcare use, land for a two-form entry primary school, formal and informal open space and sports provision, access roads and all other associated and necessary on-site infrastructure”*
- 1.3 Development has commenced on site and it is anticipated that the first dwelling will be occupied in late November 2022.

2.0 Shamblehurst Lane North Works

- 2.1 The S106 legal agreement secures the delivery of a new vehicle access from the site onto Shamblehurst Lane North as well as road widening and surfacing works and works to the existing railway bridge on Shamblehurst Lane North, including a signalised crossing of the bridge. In addition, there are improvements works to the existing public footpath through the site for pedestrians and cyclists. These works are shown on the plan attached at Appendix 1.
- 2.2 The new vehicle access onto Shamlehurst Lane North will enable bus access into the site, to allow a bus route to be provided through the site from Winchester Road to Shamblehurst Lane North, with a bus restrictor secured to only allow bus access through the site. The access off Shamblehurst Lane North will also enable vehicle access to part of the new on-site car park for users of Hedge End train station, with the remainder of the station users car park accessed from within the site. The details of the station user car park were approved by reserved matters consent RM/17/81628 and a previous Deed of Variation to the S106 legal agreement secures the transfer of the car park to Eastleigh Borough Council on completion.
- 2.3 The S106 Agreement currently identifies the following triggers for the delivery of the above works:
- Enter into S278 highways agreement for the Shamblehurst Lane Works prior to 1st occupation
 - Complete the Shamblehurst Lane Works prior to 150th occupation
 - Complete bus access restrictor works prior to 150th occupation
 - Complete the station user car park prior to 350th occupation

- 2.4 It is understood from discussions with highways officers at Hampshire County Council that there is currently no interest from local bus operators to route a service through the site, but Passenger Transport Officers continue to work with the bus operators with the aim of securing a suitable service in the future.
- 2.5 Miller Homes is committed to delivering the works secured by the S106 legal agreement to ensure that the required infrastructure is provided and no changes to the works are proposed. As shown in the points above however, there is a lack of consistency between the triggers to deliver to various elements of work, with the Shamblehurst Lane North and bus access restrictor works currently required to be completed prior to 150 occupations, whereas the station users car park is to be provided prior to 350 occupations. This inconsistency is especially key in light of there being no demand from bus operators to deliver a route through the site and as such there is no demand for the Shamblehurst Lane Works to be delivered prior to 150 occupations. Furthermore, due to the extent of required works, these works will take time to complete.
- 2.6 In order to address the inconsistencies in the S106 legal agreement and avoid any delays to housing delivery while the works are completed, a request has been made to vary the triggers in the S106 legal agreement to complete the Shamblehurst Lane North and the bus access restrictor works prior to the 350th occupation, to align the delivery of these works with the delivery of the station users car park, to ensure that these works are delivered as a comprehensive package.
- 2.7 This amendment has the benefit of providing additional time for Passenger Transport Officers to discuss with bus operators the possibility of a service being routed through the site, at a point when there will be an increased number of residents that may facilitate improved public transport demand and as such the viability of a bus service.
- 2.8 In relation to the S278 highways agreement, negotiations have commenced with Highways Officers at Hampshire County Council to secure the Shamblehurst Lane North works and negotiations are moving forward positively. It is inevitable however with such works that discussions take time and it is requested that the trigger to enter into the S278 legal agreement is also amended, to enable the occupation of up to 50 dwellings prior to the Highways Agreement being completed. This amendment will enable discussions to be appropriately concluded without affecting the ability to occupy new homes and while still providing sufficient time for the works to be completed prior to the 350th occupation.
- 2.9 Discussions have been undertaken with Highways Officers at Hampshire County Council regarding the above requests to vary the identified triggers. Officers have confirmed that as there will be no route through the site then there will not be any significant additional demand/ impact and as such that this request is acceptable.

- 2.10 In order to ensure suitable sustainable transport connections are provided, Miller Homes is happy to accept a request from Officers at Hampshire County Council for an additional obligation to be added into the S106 legal agreement to require the provisions of a route suitable to accommodate bus traffic and a pedestrian and cycle route through the site from Winchester Road to Shamblehurst Lane North prior to 350th occupation, to address the current lack of an obligation in the S106 legal agreement for these connections to be provided.
- 2.11 A further additional obligation that has been requested by Officers at Eastleigh Borough Council is also accepted, to require a pedestrian and cycle connection to be provided through the site from Winchester Road to Shamblehurst Lane North prior to 200th occupation. This route will be agreed with the local planning authority, but may follow either a temporary route through the site until the spine road is provided or the permanent route along the approved spine road.
- 2.12 These additional obligations will secure improved sustainable transport connections that will benefit the residents of the Boorley Gardens site and the wider Boorley Green area, to providing access towards Hedge End train station.

3.0 Winchester Road/Bubb Lane/Snakemoor/Botley Road Roundabout Works

- 3.1 The S106 legal agreement also secures improvement works to the Winchester Road/Bubb Lane/Snakemoor/Botley Road Roundabout, with the approaches widened on Winchester Road and Bubb Lane and the roundabout enlarged, as shown on the plan at Appendix 2. The S106 legal agreement currently requires the S278 highways agreement to be entered into prior to 1st occupation and for the works to be completed prior to 300th occupation.
- 3.2 Consistent with the above, Miller Homes is again committed to delivering the necessary works to the roundabout to provide the infrastructure necessary for the development and no changes to the works or delivery are proposed. Negotiations have also commenced with Highways Officers at Hampshire County Council regarding the required agreements, however it is requested that the trigger to enter into the S278 highways agreement is amended to prior to 50th occupation, to provide sufficient time for completion of the agreements. This amendment ensures that sufficient time remains available for completion of the works prior to 300th occupation.

4.0 Conclusion

- 4.1 The reasons for requests to amend the S106 legal agreement for the land north west of Winchester Road, Boorley Green have been set out above. These changes have been discussed with Highways Officers at Hampshire County Council, who have confirmed that the requested changes are acceptable.
- 4.2 As also outlined, it is not proposed to change the details of any of the works proposed, with the amendments only to delivery triggers, with the works to Shamblehurst Lane North and bus access restrictor to align with the delivery of the station users car park and remove current

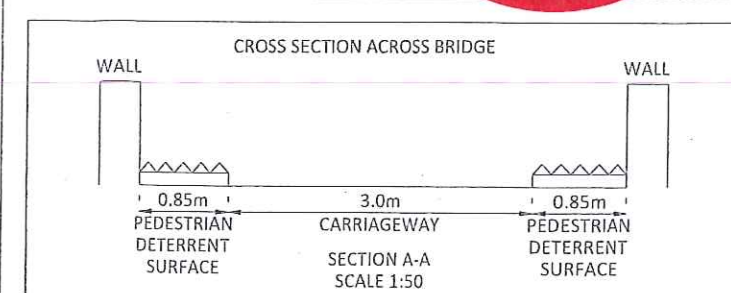
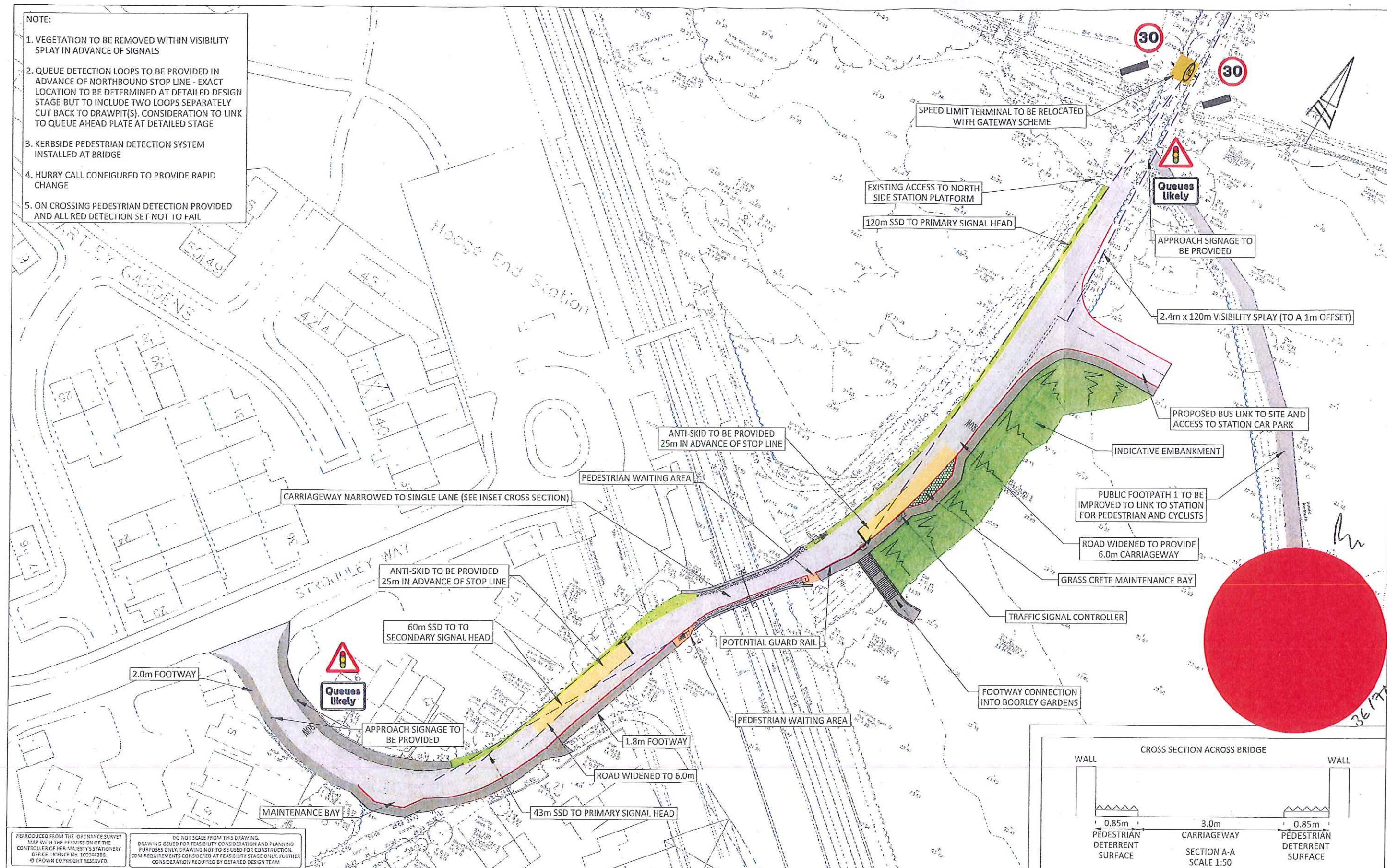
inconsistencies over delivery, to enable their provision of a comprehensive package of works. The changes to entering into the S278 highways agreements will enable discussions with the highway authority to be appropriately concluded, while enabling up to 50 dwellings to be occupied.

Miller Homes

V2. 03/10/2022

APPENDIX 1
SHAMBLEHURST LANE NORTH WORKS

- NOTE:
1. VEGETATION TO BE REMOVED WITHIN VISIBILITY SPLAY IN ADVANCE OF SIGNALS
 2. QUEUE DETECTION LOOPS TO BE PROVIDED IN ADVANCE OF NORTHBOUND STOP LINE - EXACT LOCATION TO BE DETERMINED AT DETAILED DESIGN STAGE BUT TO INCLUDE TWO LOOPS SEPARATELY CUT BACK TO DRAWPIT(S). CONSIDERATION TO LINK TO QUEUE AHEAD PLATE AT DETAILED STAGE
 3. KERBSIDE PEDESTRIAN DETECTION SYSTEM INSTALLED AT BRIDGE
 4. HURRY CALL CONFIGURED TO PROVIDE RAPID CHANGE
 5. ON CROSSING PEDESTRIAN DETECTION PROVIDED AND ALL RED DETECTION SET NOT TO FAIL



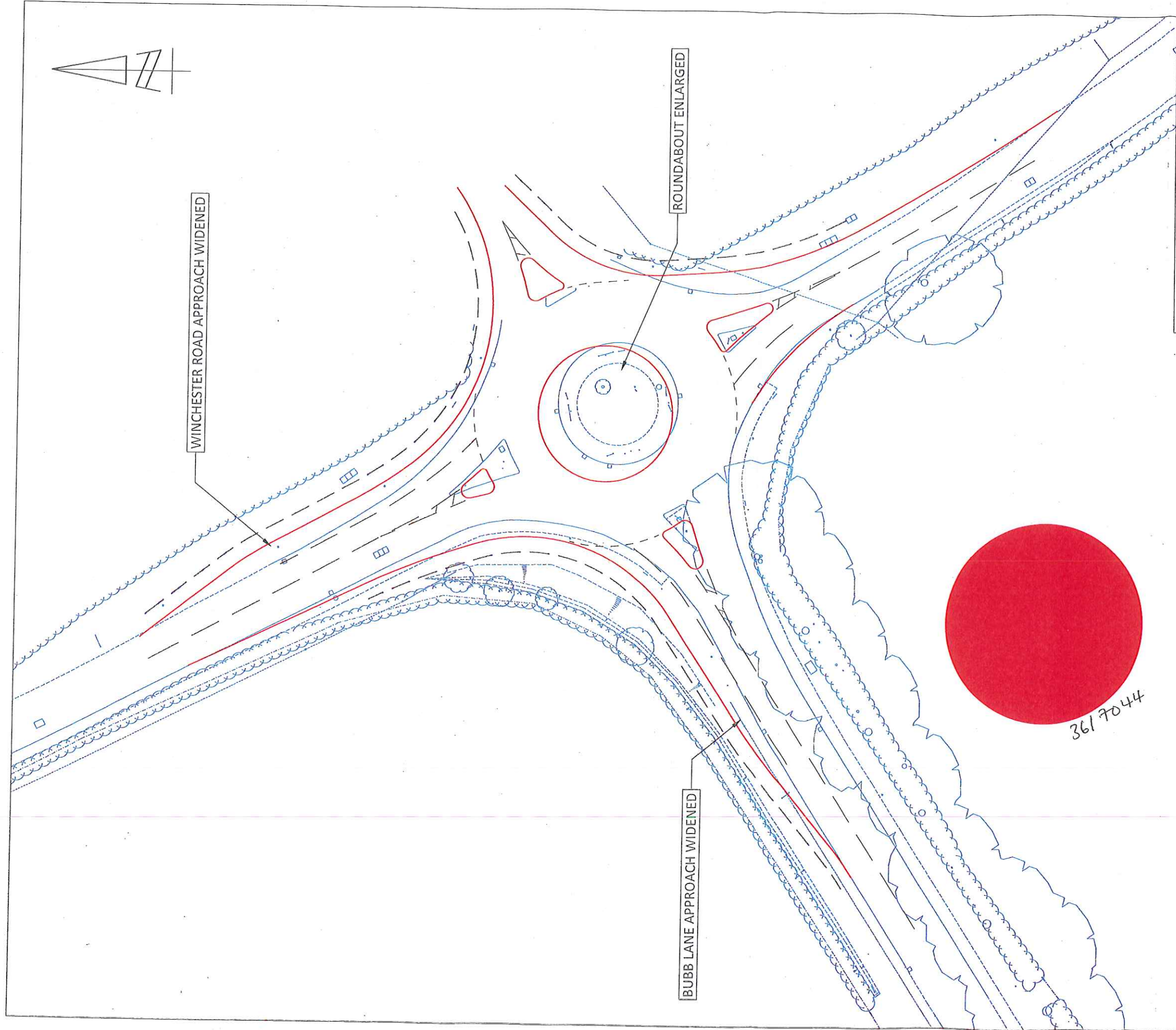
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		B 18.03.16 MC MINOR AMENDMENTS TO ADDRESS HCC COMMENTS		TW TW		SHAMBLEHURST LANE NORTH - BUS AND PEDESTRIAN IMPROVEMENT		DRAWING No: ITB11055-GA-008		
A 03.03.16 MC MINOR AMENDMENTS		TW TW		PROJECT No: ITB11055				REV: B		
REV	DATE	BY	DESCRIPTION	CHK	APP	PROJECT: BOORLEY GARDENS, BOORLEY GREEN	CLIENT: MILLER / GLEESON / WELBECK	SCALE @ A3: 1:500	CHECKED: TW	APPROVED: MG
STATUS: FOR PLANNING								FILE REF: ITB11055	DRAWING: SH	DATE: DEC 2015
Grove House, Lutyens Close, Chineham Basingstoke, Hampshire, RG24 8AG www.1-transport.co.uk						Tel: 01256 338640 Fax: 01256 338644				

APPENDIX 2

WINCHESTER ROAD/BUBB LANE/SNAKEMOOR/BOTLEY ROAD ROUNDABOUT WORKS



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2-Transport Grove House, Lutyens Close, Chineham Basingstoke, Hampshire, RG24 8AG Tel: 01256 338640 Fax: 01256 338644 www.i-transport.co.uk		TITLE: POTENTIAL IMPROVEMENT TO B3354 WINCHESTER ROAD / B3342 BUBB LANE		PROJECT: BOORLEY GARDENS, BOORLEY GREEN	
STATUS:		SCALE @ A3: 1:500		CHECKED: TW	
REV		DATE		BY	
B 07.01.16 MC		MINOR AMENDMENTS		TW MG	
A 13.11.15 MC		ROUNDBABOUT REVISED		TW MG	
REV		DATE		BY	
DESCRIPTION		CHK		APD	
ISSUE		APPROVED: MG		DATE: NOVEMBER 2015	
PROJECT No: ITB11055-GA-203		DRAWING No: ITB11055		FILE REF: ITB11055	
PROJECT No: ITB11055		REV: B		REV: B	