

Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

23 March 2017

Report of the Strategic Director – Economy, Transport and Communities

**ADDITION OF DEVELOPER FUNDING CONTRIBUTION TO THE CAPITAL
PROGRAMME - SWALLOW HOUSE LANE, HAYFIELD**

(1) **Purpose of Report** To inform the Cabinet Member about a financial contribution to be paid to the Council by a developer to fund a highway improvement and to add the funds to the Highway Authority's Capital Programme.

(2) **Information and Analysis** Planning permission was granted on 10 December 2012 by High Peak Borough Council for a residential development by Bloor Homes on land off Swallow House Lane, Hayfield under planning application number HPK/2012/0491. The development site is shown on the attached plan.

The County Council, in its role as Highway Authority, was consulted about the development proposals and made a number of recommendations regarding conditions and other undertakings to help mitigate the highways and transportation impact of the development related traffic. One of the mitigation measures was the commitment for the developer to pay the sum of £17,850 to the Council as a contribution towards off-site highway works and/or traffic calming measures to be carried out within one mile of the site via a formal Planning Agreement.

The trigger point for payment has now been reached and the developer has deposited the money with High Peak Borough Council. The County Council now needs to add this contribution to the Authority's capital works programme in order that an appropriate scheme can be designed and programmed.

(4) **Financial Considerations** The developer wishes to pay the County Council the sum of £17,850 as a contribution towards highway improvement works as described above. The Council is obliged to use the contribution within 5 years after the date of receipt of the contribution. Any unused funds are to be repaid to the developer (plus interest).

(5) **Legal Considerations** The highway improvement contribution has been secured using an Agreement dated 10 December 2012 under Section 106 of the Town and Country Planning Act 1990 between the developer, the Local Planning Authority and the County Council. Pursuant to the Highway Authority's powers under Section 278 of the Highways Act 1980, the County Council is entitled to accept financial contributions from third parties towards highway improvement schemes. The scheme will subsequently be added to the Highway Authority's Capital Programme.

(6) **Social Value Considerations** Use of the developer contribution will enable the Council to carry out improvement works required as a consequence of the development which otherwise may have fallen upon the public purse. The works will assist the safe and efficient public use of the highway following the development. The works will be carried out by the Council's in-house operations helping to sustain the Authority's services.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(7) **Key Decision** No.

(8) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(9) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details - Steve Alcock, extension 38176.

(10) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member:

- 10.1 Notes the payment of a developer contribution in accordance with a Section 106 Agreement towards highway improvement works needed to mitigate the effects of the above development.
- 10.2 Approves the inclusion of the funding in the Highway Authority's 2017-18 Capital Programme for the Council to use for the design and implementation of an appropriate scheme subject to the terms of the Section 106 Agreement.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

The map shows the Hayfield area in Derbyshire. Key features include:

- Water Features:** The River Sett flows through the bottom left. There are two ponds labeled 'Pond' near Hayfield Primary School.
- Buildings:** Hayfield Primary School is a large orange building. Other buildings include 'Swallow Houses', 'The Orchard', 'Charmwood', 'Brookside', 'North View', 'Cottage', 'Wood House', and 'El Sub Sta'.
- Streets:** Swallow House Lane runs diagonally across the top. Wood Gardens is a residential area on the right. The River Sett runs along the bottom.
- Infrastructure:** A bridge labeled 'FB' crosses the River Sett. 'Settling Tanks' are located near the bottom center.
- Map Elements:** A compass rose is in the top right. A scale bar indicates 182.1m and 188.3m. The Derbyshire County Council logo is in the bottom left.
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A diagram showing a horizontal line segment with vertical tick marks at each end. Above the segment is a bracket indicating a length of 50 m.

22-Feb-2017