

PLANNING COMMITTEE

21st February 2019

REPORT OF THE DEVELOPMENT MANAGER

17/00641/OUT: FIELDS 8456 7946 AND 9744 NORMANTON LANE BOTTESFORD

REQUEST TO VARY S106 AGREEMENT

1. Introduction

- 1.1 The purpose of this report is to consider amendments to the s106 agreement associated with this application that have been requested by the applicant.
- 1.2 **The purpose of this report is to invite the Committee to consider the applicant's request to vary the s 106 currently in place to:**
 - (i) **Operate the car park with a minimum charge to users of £1 to park for the day** (previously no charge was intended).

2. Background

- 2.1 Members will recall that the planning application was considered at the meeting of 28th September 2017 and was approved, subject to the completion of a S106 Agreement to provide a new Railway Car Park and various conditions. Along with the planning Committee of the 31st January 2019 whereby a request was made to allow both the charging element above and also a revision to the implementation time of the car park. The request was refused and the request to amend trigger times is no longer requested.
- 2.2 The new Railway Car Park is described as thirty bays (30) of car parking to be provided within the site.

3. Update

- 3.1 A new Railway Car Park with 30 bays is to be provided on site however it has been requested to operate the car park with a minimum charge to uses for example £1 to park for the day, this would enable a barrier to be in place and to aid other security features such as cameras.

- 3.7 Clause 5.7.4 is therefore requested to be amended to read as follows *“From the date that the New Railway Car Park is opened to the public to install a payment system of £1 (adjusted in accordance with the provisions set out in the Third Schedule) per vehicle per day (unless otherwise agreed in writing by the Borough Council) for the use of the New Railway Car Park by the public and to thereafter recycle the receipt of funds for the safety, security and management of the New Railway Car Park and the public users.”*

4. Assessment

- 4.1 The proposed change was considered by the Planning Committee at the meeting held on the 31st January 2019 where it was resolved to reject the proposed Deed of Variation that also included a second variation of implementation trigger time.
- 4.2 The charging of the car park has been requested again but individually this time due to the need to provide additional security to the car park, the charging would be used for security measures and a £1 per day charge would not be considered unreasonable to ensure adequate measures to be provided. There is no evidence to suggest that this charge would make the car park unviable, indeed the provision of security for cars could be considered as a benefit to the users of the car park however this argument is finely balanced.
- 4.3 The ongoing management and maintenance of the car park is not a planning consideration and would be the responsibility of the land owner until a sale/transfer is made.

5. Recommendations

- 5.1 It is recommended that a Deed of Variation is granted to allow the amendment to allow a fee to be charged for the service.**

Background documents:

- Report to the meeting of Planning Committee 28th September 2017 and 31st January 2019
- Minutes of the meeting of 28th September 2017 and 31st January 2019