

Report Subject: Old Sarum – Request for Variation to provision of S106 Agreement

Report to: Southern Area Planning Committee

Date: 10 December 2009

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Request for Variation to provision of S106 Agreement

1. Report Summary:

The purpose of the report is to consider a variation to Schedule 1 Part I clause 5.2 and Schedule 2 part 1 of the S106 Agreement for the Old Sarum development to provide:

- 1. A delay in the payment of the second secondary education contribution owing to the slow build rate at the site**
- 2. A fixed date for the delivery of the primary school, being September 2011.**

2. Background:

The Old Sarum Development was allocated in the Salisbury District Local Plan . Under policies H2D, & E1. Policy PS5 required that new education facilities be provided . the text states:

For example, a new school site will be required at Old Sarum to service the new housing proposed in policy H2D.

The Old Sarum Planning Brief was adopted by Salisbury District Council as supplementary planning guidance to the Local Plan on the 19th January 2005. Para 7.33 states

7.33 The Education Authority require that a primary school should be provided to serve the proposed development. Existing schools in the general area will have a shortfall of approximately 100 places in the near future. Thus there is already a need for three primary classrooms. A 6 class primary school should be constructed. In addition, contributions may be required towards secondary school provision.

This is ambiguous since it implies 3 classrooms for the existing need and 3 for the proposed development , however this is not the case. The 630 dwellings proposed generated the need for a 6 class school in their own right and is therefore exclusive of any existing shortfall. The 674 housing units (with the addition of the 44 on MOD land) generates the need for a 7 class, 1 form of entry primary school.

The outline consent for the development (S/2005/0212)was subject to a S106 Agreement that covered *inter alia* the need to provide for a developer funded primary school to serve the new development and financial contributions towards secondary schooling.

Detailed permission for the primary school was given under s/2005/0669.(report to committee attached as appendix 1)

In respect of the secondary school payment, the first payment , due upon commencement, has been paid and spent. The second contribution is due February 2010 but in light of the slow build rate on the site the education department have informally agreed with the developer to a delay in payment until September 2011, but this requires a formal amendment to clause 5.2 of the S106 Agreement .

Schedule 2 part 1 (attached as appendix 2) deals with the provision of the primary school. This is wholly developer funded .

3. Planning considerations

Under circular 5/05 there are the following tests for planning obligations;

An obligation must be:

- Relevant to planning
- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development
- Fairly and reasonably related in scale and kind to the proposed development and
- Reasonable in all other respects.

This means that the S106 cannot require from the development anything that is not directly related to it. The S106 Agreement provides for a school to be constructed to meet the needs of the new development and requires the developer to provide it. If it were to cater for the existing population too it , would have required the LEA (at that time Wiltshire County Council) to have funded the additional provision relating to the existing settlement.

The brief requires a 6 classroom school, which is the size required to meet the needs of the new development only.

The S106 does not give a specified date for the school – it requires it ‘ in accordance with the project agreement ‘ which gives an Estimated Completion Date in respect of the school to be 18 months from the commencement of the first new dwelling on the Development Site” and is a separate document . Furthermore it provides that in advance of the provision of the school temporary classroom facilities can be provided if the County council give evidence of need for it with the developer bearing the travel costs of the pupils. .

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1. Earliest possible date that a school could be provided

The school granted permission under s/2005/669 –is the one to be provided subject to some minor changes necessitated by an increase in standard classroom size, which have yet to be considered by the local planning authority. The developers have to finalise some specification/design issues relating to the school and have a meeting scheduled for this on Monday 30th November. So taking this as the starting point and allowing for the procurement and construction period, the earliest possible date for delivery of the school would be end of March 2011. This is a best case scenario.

2. Current build rate

Current build rate is dependant on sales. Whilst the developers are now speculating a certain amount of construction – for example they may build a number of foundations prior to having sales, they are not building units complete without having sales in place first. They are currently constructing 32 units with reservations, however it is possible that these would be held a certain construction stages if the sale does not proceed. Additionally they have 16 affordable homes (7 no. 2 bed houses and 9 number 3 bed houses) being constructed which are due to be completed in December. However, at present there are no further affordable units with reserved matters consent.

3. Residential units occupied to date:

- i) Affordable – 18 no. 1 bedroom flats; 36 no. 2 bedroom flats. (54 affordable units in total).
- ii) Open Market – 1 no. 1 bed flat; 2 no. 2 bed flats; 2 no. 2 bed houses; 6 no. 3 bed houses; 11 no. 4 bed houses. (22 Open Market units in total)

There are currently no completed units which are not occupied.

4. Options for consideration:

Option 1

Agree to the changes .

The advantages are that:

- It would currently not be possible to construct a school before March 2011; therefore we are considering a delay of one term only.
- Education officers have made it clear that it is less disruptive to open a school at the commencement of the academic year.
- If a specific delivery date is actually written into the S106 Agreement itself, rather than an estimated date in a project agreement, members will have tighter control over enforcement of delivery.
- The school to be provided would (subject to some minor changes to address changes in legislation) be the landmark building approved under s/2005/669 which must be commenced before 4 January 2011.
- There are currently not enough dwellings occupied on the new development to justify provision of a school.

Option 2

Refuse the request.

This will not deliver the school any earlier than March 2011 and furthermore runs the risk of the developers simply opting for the provision of mobile classrooms at other schools as allowed for by the S106 once the threshold of 3 classes is reached.

In respect of the secondary contribution, the risk is the council will be seen to be unreasonable if it goes against the advice of its education officers that a later payment, owing to slow development of the site is acceptable.

5. Consultation Undertaken

The issue has been discussed at a meeting with the local councillor and the education officer. The local member has expressed concern about the delay in the provision of the school.

Education Officer

1. The S106/Project Agreement details that “the Estimated Completion Date in respect of the school shall then be 18 months from the commencement of the first new dwelling on the Development Site”.

At the time of planning for the new school the '18 month' reference was a standard approach and reflected:

- an adequate period to construct and equip a school
- a reasonable period during which, given the prevalent build rates a significant number of in-area pupils for the new school would be generated. At the same time it must be recognised that some 'out-area' pupils will be able to secure places at the school as it is not legally possible to reserve places for future in-area pupils.

The much reduced build rates that are being experienced across the county, including at Old Sarum, means that it is sensible to defer completion of the new school until there is more certainty of a significant number of 'in-area' pupils.

2. The original planning for the development envisaged a total of 630 housing units. This was subsequently increased to 680. The pupil product that “underpins” S106 is 31 primary pupils per 100 units. Therefore, a development of 680 units was forecast to produce 211 pupils, which equates to a 210 place primary school (one form of entry). The developer agreed that the new housing, alone, would require a 1 f.e. school and the S106 recognises that the developer will provide the school buildings.

3. The preferred option for opening a new school is September, at the start of the academic year. This recognises that pupils from other schools will wish to transfer to the new school and it is much better for those pupils, and their current schools, if they transfer at the start of a year rather than mid-year.

6. Recommendation(s):

That option 1 be followed and the S106 agreement be varied to specify:

That the primary school shall be completed and transferred to the Council by September 2011.

The second secondary education payment be made no later than September 2011 (but indexed from the original payment date).

7 Background Papers:

Appendix 1 - Report to committee s/2005/0211

Appendix 2 Schedule 2 part 1 of the S106 Agreement

Appendix 3 | The email trail relating to the matter

APPENDIX 1

Executive Summary - Project Overview

INTRODUCTION

Members are asked to consider the next three items on the agenda in conjunction with one

another. They all form components of the Old Sarum development as proposed by the adopted

Local Plan and Planning Brief.

The three applications are:

05/0211 mixed-use development comprising 630 houses, employment, community facilities and associated infrastructure (outline application)

05/0619 Residential and open space provision (outline application)

05/0669 New primary school (full application)

REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers because of the complex interrelationship of the applications and the strategic importance in terms of delivering core

policies of the Local Plan

SITE AND ITS SURROUNDINGS

The site allocated for development forms part of, and an extension to, an established and substantial nucleus of development in the North of Salisbury at Old Sarum which includes residential, employment and recreational uses comprising about 160 dwellings, one of the major

employment areas for the City extending to approximately 13 ha, the City Football Stadium and

the Beehive park and ride.

The site lies to the north of the Portway opposite the existing employment area and adjoining

housing on the northern edge of the Old Sarum Airfield. The allocated site wraps around the

Partridge Way housing estate, football stadium and playing fields. To the west of the allocation

at the junction of the A345 and the Portway, the City's first park and ride is now fully operational.

THE PROPOSAL

Planning permission is sought for the following:

- 630 dwellings, comprising a mix of house types including 33% affordable housing.
- Employment development comprising 25,000 - 30,000 sqm of predominantly BI (Light industrial and office) but with some B2(general). To provide @800 new jobs
- New primary school
- Community hall
- Local retail facilities
- Land for doctors surgery
- Open space for formal and informal recreation, including new village green on MOD owned land
- Replacement facilities for the Sarum Centre
- Sustainable drainage systems
- Pedestrian and cycling facilities

BACKGROUND

The site is allocated for development within the local plan, which supports the principle of development. Old Sarum is seen as a key strategic allocation in making provision for housing

(including 33% affordable), and employment. It is seen as important to enhance the existing

residential development around Partridge Way, which is currently very short of community

facilities and quite isolated. The detailed development criteria are set out in a Planning Brief for the site adopted by the Council as supplementary planning guidance. The principle application, 05/0211 seeks to deliver the housing, employment and community facilities that the Local Plan seeks. Although it is an outline application it is accompanied by a Design Code and Master Plan, which articulate the design concept for the development. On discussion with the community it became clear that the MOD pitches within the centre of the site (but unallocated) would provide the ideal location for a central village green adjacent which to locate the new village hall. The applicants on negotiation with the MOD have brought this land forward in order to try and deliver the integrated development being sought. This is the subject of planning application 0619 and comprises a central village green around which some 44 units are proposed as enabling development. The third application seeks full planning permission for a new primary school. Because of the interrelationship of the proposals it makes sense to bring them to committee together to give members a full picture of the proposed Old Sarum development.

CONSULTATIONS

No direct objections to any of the three applications. As detailed in the reports some consultees request any consent is conditional.

REPRESENTATIONS

No third party objections have been received

PARISH COUNCIL AND COMMUNITY WORKING PARTY

Welcome the application as bringing much need community infrastructure to Old Sarum. Have had significant input into siting and form of community building plus bringing the MOD land into the development. They do want assurances that the existing dwellings will be fully integrated with commodious links and that the school is adequate size.

PLANNING CONSIDERATIONS

- Planning Framework, delivery of Green and Brown field sites and mixed use scale
- Allocation of this Site
- Assessment of Environmental Statement
- Design
- Landscape Impacts and archaeology
- Highways and travel plans
- Education
- Affordable Housing
- Public Open Space
- Community Facilities
- Lighting
- Sustainability
- Pollution and noise
- Nature Conservation
- Relationship with other applications
- Public Art

CONCLUSIONS

The three applications represent proposed development as envisaged by the Local Plan. It is

Greenfield development, however that is a reflection of the lack of alternatives identified through

the sequential approach of the Local Plan. The overall development has always been considered as an urban extension to Salisbury.

The proposals have proved to be popular with the local community in that they will deliver some

much needed community facilities to the existing Old Sarum development; principally new school community hall, retail, open space and employment opportunities. Implementation of all

three applications will deliver the best, most integrated solution to this site.

The overall scheme will deliver 33% of all dwellings as affordable and this is a major contribution

to one of the core priorities of Salisbury District Council.

RECOMMENDATION

That the three applications be recommended to the Planning and Regulatory Panel for approval

as per the recommendations within the individual reports

S/2005/0669 School Application - Report to Committee

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REASON FOR REPORT TO MEMBERS

HDS does not consider it prudent to exercise delegated powers as the proposal has a complex

interrelationship with other applications 2005/0211 and 2005/0619.

SITE AND ITS SURROUNDINGS

The application site has an area of approximately 1.62 hectares and is located within the main

community section at the centre of the proposed Old Sarum development.

The site is currently an open field in agricultural use to immediate west of the existing residential

area at Partridge Way and the existing MOD recreational pitches are to the north east and football

stadium.

THE PROPOSAL

Full planning permission is sought for a new primary school, car park, play area to serve the

forthcoming Old Sarum development of some 630 dwellings.

The largely single storey building is designed in a crescent shape, which encloses the play space,

providing a secure space for children. Each classroom has a linked external open space to allow

outside teaching and games. The development has been conceived to provide a vibrant and

exciting building for both pupils and staff. The classroom of each year will be finished in different

colour render to define them and add to the visual interest.

The building has been design to be flexible, with future expansion to a second teaching crescent

being planned in if needed. The school has been designed to maximise opportunities for sustainable development, through such measures as orientation to make best use of sunlight, large

roof overhang to provide shade to prevent overheating, incorporation of the highest level of

insulation to reduce heating costs, materials selected from sustainable sources and water recycling.

Materials proposed are timber cladding, render, aluminium windows, profiled roof and some

aluminium curtain walling

PLANNING HISTORY

No relevant planning history

CONSULTATIONS

WCC Highways - Required revisions to incorporate means of access, coach and service vehicle access, secure cycle parking, covered motor cycle parking, controlled barrier at access,

shared cycle/paved footways along main entrance,. These revisions have been secured through

amended plans.

WCC Planning - No comments

WCC Library/ Museum - No objections subject a condition to secure implementation programmed

of archaeological work.

Wessex Water Authority - No objections subject to agreement with developer on drainage on the

main development

Environment Agency - No objections subject to conditions to mitigate flood risk,

English Nature - No comments received

REPRESENTATIONS

Advertisement Yes

Site Notice displayed Yes

Departure No

Neighbour notification Yes

Third Party responses No

Parish Council response No objections - are concerned that the school may not be sufficient

size to provide for the demand for places.

PLANNING CONSIDERATIONS

- Policy Framework
- The Planning Brief
- Relationship and integration with wider development
- Design
- Highways Issues and connectivity

MAIN PLANNING ISSUES

Policy Framework

Salisbury Local Plan, adopted June 2003, policies of relevance R5, C7, D1, G1 and G2

This Development Brief is concerned with land allocated for mixed development

principally under

policies H2D and E1 of the Local Plan. The full wording of H2D and E1, their related text, and a

complete list of all relevant Local Plan policies are set out below.

Policy H2D

“Land at Old Sarum is allocated for mixed development including housing, employment, retail and

educational, recreational and community facilities. A mix of housing types and sizes will be sought,

including a proportion of at least 25% affordable housing which will be negotiated with the developer

and which will take account of the need identified in Salisbury. The development of the site will be

phased with development limited to 630 houses and 6 hectares of employment land during the lifetime of this local plan. A planning obligation will be sought in respect of the above issues where they are necessary, relevant to planning and directly related to the proposed development. Details of such requirements and their timing will be set out in a development brief for the site”.

Policy E1

“Land at Old Sarum is allocated for mixed development including housing, employment, retail, and educational, recreational and community facilities. The development of the site will be phased with development limited to 6 hectares of employment land and 550 (630) houses during the lifetime of this local plan. A planning obligation will be sought in respect of the above issues and any other on and off-site infrastructure and facilities necessitated by the development”.

List of all relevant policies

General Principles of Development

G1 Sustainable Development

G2 New Development criteria

Design

D1 Extensive Development

D7 Public Realm

D8 Public Art

Rural & Natural Environment

C17 Enhancement of nature conservation with major new development.

Transport

TR1 Sustainable land use and transportation

TR12 Major new development requirements

Education

PS5 New education facilities required.

The allocation for major residential development must be met by the requisite educational provision.

The educational requirement for a new school is explicitly set out in the text to policy PS5. Negotiations as to the scale and nature of this contribution are led by the Local education Authority

(LEA), Wiltshire County Council. In the case the need for a primary school and a financial contribution for secondary education were identified, as needs arising from the proposed Old Sarum development.

The Development Brief And Other Supplementary Planning Guidance

The Old Sarum Planning Brief was adopted by Salisbury District Council as supplementary

planning guidance to the Local Plan on the 19th January 2005.

The Planning Brief reinforces the policy framework in stating the need for a new primary school to

be delivered and indicating a suitable location upon the concept plan. The location on the indicative

plan in the Brief is the same as that the subject of this planning application.

Relationship and integration with wider development

The location of the Primary School has been carefully considered within the overall design concept

for the whole Old Sarum development as expressed in the design code and master plan. It is

centrally located with both close links south to the main village square, while also being adjacent to the preferred location of the new community hall to the north adjacent to the village green. This disposition forms what may be termed the community hub of the development and constitutes a centrally located group of social facilities that can be of great value to existing and future residents alike. This relationship will place a meaningful heart to the new settlement that can act as an important catalyst for adding a vitality and community spirit to the new development.

Aspirations of the community

In order to try and tailor the delivery of the facilities to the aspirations of the local community, an

Old Sarum Community Working Group has been set up to help articulate what the local people would want to see at this site.

The community-working group have welcomed the delivery and siting of the new primary school,

but have expressed two concerns. Firstly that commodious cycle and footpath links are provided

from the existing dwellings and secondly to ensure that the school is large enough to meet demand.

There is a high level of community benefit to be realised from this development which will not only

be of great benefit to future residents of the new houses, but may also help to transform the

situation experienced by existing residents, who are currently starved of such support. It must be

emphasised that improving the situation of existing residents was a core reason that this site was

allocated in the first place.

Design

The building is predominantly single storey in height with a two-storey feature element for the hall.

The design concept is of a single crescent or 'enclosing arm' that semi-encloses a courtyard to the

south. It is designed to provide a flexible teaching space and allow a seamless transition to outdoor

activities.

The southern façade is predominantly glazed and will facilitate views towards the village centre

(square). Large canopies extend from the overhanging roof to provide shelter and protection in

inclement weather. The classrooms are mainly finished in render and will each be of a different

colour to differentiate the years to be taught within. The hall is the only two-storey element and its

treatment form a key focal point feature of the design.

The design has been produced on consultation with the requirements of the LEA and flexibility has

been designed in so extension is simple and cost-effective in a manner that will not compromise the

overall design, should in future this be necessary.

Your officers consider that the design of the school is very good. It has produced a contemporary

and exciting building that will not only serve its purpose well, but also will form a distinctive and original feature in the new Old Sarum development. Having distinct and original building is a key urban design concept in introducing a sense of place and legibility to a new development.

Highways and Connectivity

Obviously with a new school it is important that it is both easily accessible by a variety of means and that it is safe.

The pedestrian access will be possible from the village square as well as from the community hall area. It is located to encourage pedestrian access including walking buses. However as per the feedback from the Community Working Group, it is important to ensure there are safe and commodious walking and cycle routes from the existing houses on Partridge Way. If members are minded to approve this application, then a condition will be recommended to ensure such links are provided and maintained.

With regard to vehicular transport, on negotiation with the County Highways Engineer, revised plans have been submitted to provide for 12-meter long public service vehicles to cater for school transport and hired coaches, within the site. Secure cycle parking, motorcycle parking, controlled barrier at the main access and shared cycle/paved footways along the main access have been delivered.

CONCLUSION

This application is an important one in realising the aspirations of the council as expressed in the Planning Brief, but more importantly, those of the local community, who have endured a shortage of local facilities. The school is well located, accessible and the vibrant contemporary design will introduce an instantly recognisable building into the heart of the Old Sarum development. This is important for achieving a sense of place and legibility as well as helping to foster a sense of civic pride. The relationship to both the village square to the south and the community hall and village green to the north will form a genuine community hub, which will act as a focal point for social interaction and fostering an important sense of belonging.

In conclusion this application accords with policy, meets the requirements of the adopted planning brief, delivers the aspirations of the community, makes an important contribution to the overall design concept and will allow the comprehensive development of the Old Sarum site.

Recommendation

APPROVE subject to the following conditions:

Then APPROVE subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

(2) The development shall be carried out in strict accordance with the drawing[s] hereby approved, or with such other details as may subsequently be submitted to and approved in

writing by the Local Planning Authority. (B05A)

Reason: For the avoidance of doubt.

(3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in

accordance with the approved details. (D03A)

Reason To ensure that the external appearance of the proposed extension will relate appropriately to that of the existing building.

(4) No development shall take place until full details of both hard and soft landscape works have

been submitted to and approved in writing by the Local Planning Authority and these works

shall be carried out as approved prior to the first use of the development hereby permitted.

These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage

units, signs, lighting etc); proposed and existing functional services above and below ground

(e.g. Drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant). (G01A)

Reason: To enable the Local Planning Authority to secure the satisfactory implementation of all

approved landscaping works, in the interests of visual amenity.

(5) No development shall take place until details of earthworks have been submitted to and

approved in writing by the Local Planning Authority. These details shall include the proposed

grading and mounding of land areas including the levels and contours to be formed, showing

the relationship of proposed mounding to existing vegetation and surrounding landform.

Development shall be carried out in accordance with the approved details. (G04A)

Reason: To enable the Local Planning Authority to ensure that the proposed earthworks will

relate satisfactorily to existing features within the site and its surroundings, in the interests of

visual amenity.

(6) No development shall take place until there has been submitted to and approved in writing

by the Local Planning Authority a plan indicating the positions, design, materials and type of

boundary treatment to be erected. The boundary treatment shall be completed before

INSERT

(the use hereby permitted is commenced) or INSERT(before the building is/are occupied) or

INSERT (in accordance with a timetable agreed in writing with the Local Planning

Authority) Development shall be carried out in accordance with the approved details.

(G06A)

Reason: To enable the Local Planning Authority to secure the satisfactory treatment of the all

boundaries) in the interests of visual amenity

(7) No development shall take place until a schedule of landscape maintenance for a minimum

period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation.

Development shall be carried out in accordance with the approved schedule. (G08A)

Reason: To enable the Local Planning Authority to secure the satisfactory evolution, management and maintenance of landscape works, in the interests of visual amenity.

(8) If within a period of 10 years from the date of the planting of any tree that tree, or any tree

planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the

opinion of the Local Planning Authority, seriously damaged or defective,] another tree of the

same species and size as that originally planted shall be planted at the same place, unless the

Local Planning Authority gives its written consent to any variation. (G12A)

Reason: To ensure the satisfactory establishment of the approved scheme for the landscaping

of the site.

(9) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approval of plans and particulars before any equipment, machinery or

materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the

site. Nothing shall be stored or placed in any area fenced in accordance with this condition and

the ground levels within those areas shall not be altered, nor shall any excavation be made

without the written consent of the Local Planning Authority (G13A)

Reason: To ensure the retention and safeguarding of existing trees forming part of the approved landscaping scheme, whilst providing for the suitable replacement of any that are

subsequently lost.

(10) The building shall not be occupied until a means of vehicular access has been constructed

in accordance with the approved plans. (I02A)

Reason: In the interests of highway safety.

(11) The development hereby permitted shall not commence until details of all vehicle parking

and turning space within the site have been submitted to and approved in writing by the Local

Planning Authority; and the development shall be undertaken in accordance with those approved details. (J05A)

Reason: To ensure that the development hereby permitted is provided with adequate facilities

for the parking INSERT [turning/loading and unloading] of vehicles.

(12) Development shall not begin until drainage works have been carried out in accordance with

details to be submitted to and approved in writing by the Local Planning Authority. (L03A)

Reason: To ensure that the development is provided with a satisfactory means of drainage.

(13) Before the development hereby permitted commences a scheme shall be agreed with the

Local Planning Authority which specifies the provision to be made for the control of noise emanating from the site. (M14A)

Reason: To minimise the disturbance which noise from the proposed development could otherwise have upon the amenities of nearby dwellings

(14) No development shall take place until a scheme/schemes for the control of fumes from

extractor fans and equipment have been submitted to and approved by the Local Planning

Authority; and the development shall not be brought into use until that scheme has been implemented in accordance with the approved details. (M23A)

Reason: To minimise the effect which the emission of fumes from the proposed development/use could have upon neighbouring premises.

(15) Any external lighting shall be installed and operated in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

(N02A)

Reason: To enable the Local Planning Authority to exercise control over the appearance of the

lighting installation and/or the level of illumination in the interests of visual amenity and/or highway safety for the users of the adjoining dwellings

(16) No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological

work in accordance with a written scheme of investigation which has been submitted by the

applicant and approved in writing by the Local Planning Authority. (X03A)

Reason: To enable the Local Planning Authority to exercise adequate control over any development which would affect the area of archaeological interest.

ADVISORY: The application was determined with reference to the following policies of the Salisbury

Local Plan:

Policy H2D

Policy E1

General Principles of Development

G1 Sustainable Development

G2 New Development criteria

Design

D1 Extensive Development

D7 Public Realm

D8 Public Art

Rural & Natural Environment

C17 Enhancement of nature conservation with major new development.

Transport

TR1 Sustainable land use and transportation

TR12 Major new development requirements

Education

PS5 New education facilities required.

0041 To ensure the retention and safeguarding of existing trees forming part of the approved

landscaping scheme, whilst providing for the suitable replacement of any that are subsequently lost.

NOTES:

Appendix 2 S106 Agreement dated 19 June 2007

SCHEDULE 2

Part 1

Education

The Owner covenants with the County Council that

1 The Primary School shall be completed and transferred to the County Council pursuant to and within the meaning of the Project Agreement

2 In the event that the Primary School has not been completed and transferred pursuant to the Project Agreement by the relevant date determined in accordance with the Project Agreement the Owner shall provided that the County Council shall first have given reasonable written evidence to the Owner of the need for their provision provide a temporary education facility of three 3 temporary classrooms each with an internal floor space of at least 50 sq m with toilets in such location and with such supporting ancillary facilities including not by way of limitation provision for safe and satisfactory vehicular and pedestrian access staff vehicles and essential vehicles only and services as may reasonably be required by the County Council within one 1 month of the relevant date together with an additional classroom on the occupation of each of the 200th 300th and 400th Residential Unit such temporary education facility to be provided until the earlier of

2. 1 the date on which the Primary School shall have been completed pursuant to and within the meaning of the Project Agreement in compliance with the Permission and shall be in use as a primary school and

2 .2 the date two 2 years after either the Project Agreement has been terminated or after a Force Majeure Event as defined in the Project Agreement PROVIDED THAT the County Council shall bring the Primary School into use as a primary school as soon as possible

3 The Owner covenants with the County Council that it will pay the proper and reasonable travel costs incurred by the County Council in providing transport for children in occupation of Residential Units from the Land to the closest primary school in Salisbury at which pupil places are available such costs to be paid monthly in arrears following receipt of written demand by the Owner

from the County Council **PROVIDED THAT** the County Council shall in accordance with its usual practice and procedures provide or procure the provision of the necessary transport to such schools as economically as practicable and shall provide evidence of the costs incurred in such form as shall be reasonably sufficient to substantiate such written demand and

PROVIDED ALSO THAT

3 1 the Owner s obligation to pay travel costs to the County Council under this paragraph shall cease on the earlier of the dates referred to in paragraphs 2 1 and 2 2

3 2 no pupil placed in an existing school prior to the provision of any temporary education facility referred to in paragraph 2 shall be required to be moved from such school and placed in such temporary education facility before completion of the Primary School as referred to in paragraph 1 when that pupil can then be placed therein

3 3 without prejudice to paragraph 3 2 the Owner shall not be required to pay or reimburse travel costs incurred by the County Council in providing transport for children to a temporary education facility in a place in relation to which the County Council would not pay travel costs in providing transport for such children as are referred to in paragraph 3 in accordance with its usual practice and procedures

4 The Owner will notify the County Council of the Commencement of Development of the first Residential Unit and of the occupation of the 200th 300th and 400th Residential Unit and the Owner agrees that no time shall run to the detriment of the County Council if and for so long as the Owner has failed to serve notice

Appendix 3 Email Exchange

yes please-can they liaise with Ann ?

From: Male, Gary [mailto:gary.male@persimmonhomes.com]
Sent: 26 August 2009 16:10
To: Hunt, Nigel
Cc: Davies, Clara; Ashton, Sarah
Subject: RE: OLD SARUM

Nigel,

Do you want me to get solicitors to draft a supplemental agreement?

Regards

Gary

From: Hunt, Nigel [mailto:Nigel.Hunt@wiltshire.gov.uk]
Sent: 24 August 2009 13:44
To: Male, Gary
Cc: Davies, Clara; Ashton, Sarah
Subject: RE: OLD SARUM

Gary--Old Sarum
Happy to agree to 1 and 2.

From: Male, Gary [mailto:gary.male@persimmonhomes.com]
Sent: 21 August 2009 12:18
To: Hunt, Nigel
Subject: RE: OLD SARUM

Nigel,

Further to our discussions, I will set out below what I have been able to agree with our Divisional Chief Executive. Perhaps you can take a look and see if this works for you, then we can agree how we go about formalising if necessary:

OLD SARUM

1. Delivery of the School to be set as September 2011. This is as we discussed at our meeting.
2. Payment of the next Education Contribution to be September 2011, rather than the current due date of February 2010. We had discussed the potential to review in December 2010 with a minimum 3 month "call off". We would prefer to have it linked to delivery of the school if you are able to agree this.
3. We have still been unable to reduce our bonds despite the amounts paid. It is important to us to get this reduction and perhaps you are able to assist with this.

I believe that covers the content of our meeting and would be happy to hear from you or discuss further as necessary.

Regards

Gary

From: Hunt, Nigel [mailto:nigelhunt@wiltshire.gov.uk]
Sent: 28 July 2009 08:56
To: Male, Gary
Cc: Davies, Clara
Subject: RE: OLD SARUM

OK Gary--have a good break. Im around that week.

From: Male, Gary [mailto:gary.male@persimmonhomes.com]
Sent: 28 July 2009 08:12
To: Hunt, Nigel
Subject: OLD SARUM

Nigel,

Further to our meeting and discussion regarding the delivery date for the school and revised timing of the secondary education contribution, I have been able to discuss internally. I have an in principle agreement from my Managing Director, however we need to secure approval from of Divisional Chief Executive. Due to his current holiday and my forthcoming break, it will be a couple of weeks before I can confirm. I return w/c 17 August, so should be able to come back to you during that week. I trust this is ok for your own internal processes.

Regards

Gary
