



# Northern Area Committee

1<sup>st</sup> April 2004

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## REPORT

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### **PROPOSAL TO VARY CONDITIONS RELATING TO APPLICATIONS S/2002/1075 & S/2002/1651 (LAND SOUTH OF BOSCOME ROAD), APPROVED IN PRINCIPLE BY THE NORTHERN AREA COMMITTEE ON 9<sup>TH</sup> OCTOBER 2003.**

#### **1. BACKGROUND.**

These applications, which comprise the outline proposal for 550 dwellings, school, affordable housing, southern section of the link road, cemetery, neighbourhood centre, community building, playing fields, open space pavilion and associated landscaping and the full application for a primary school and temporary access road were considered by the Northern Area Committee in October 2003 and were supported subject to the applicant entering into a Section 106 Legal Agreement relating to the outline application and a schedule of conditions relating to each of the outline and full applications.

Following further negotiations with the developers, as well as assessment of the site's archaeological significance, a series of alterations are proposed to the original conditions.

These amendments relate principally to:

- The need for further archaeological works,
- The appropriate triggers for the provision of detailed solutions to issues such as drainage, materials, landscaping, and
- The scope for Bloor & Persimmon to deliver a Green Travel Plan for the school whose management will lie with the County Education Authority.

#### **2. VARIATIONS PROPOSED TO CONDITIONS.**

##### **S/2002/1075.**

Condition 9 requires the submission of a schedule of facing materials to be approved before development is commenced. The strict interpretation of this condition therefore requires a complete materials schedule for all buildings, including 550 dwellings, school, neighbourhood centre, community centre and changing rooms as a part of the submission of the first reserved matters application.

#### **RECOMMENDATION 1.**

**That Condition 9 is revised to read:**

**“Before the first development of each subsequent reserved matters application , a schedule of external facing materials relating to that reserved matters application shall be submitted, and, where so required by the Local Planning Authority, sample panels of the external finishes shall be constructed on the site, and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.”**

Condition 12 requires a full report on the archaeological excavations of the proposed school site to be submitted to, and approved in writing by the LPA before the commencement of development. Given the complexity of these finds, the completion of the “full report” requires years rather than weeks of work. As such, the commencement of development could be delayed significantly simply to facilitate the completion of the archaeological appraisal of completed excavations.

## **RECOMMENDATION 2.**

**Given that there is no dispute over the need to produce a full appraisal report, it would be reasonable to vary this condition to ensure that the work is completed by a certain trigger without prejudicing the commencement of development on site. Condition 12 should therefore be revised to read:**

**“Before the first commencement of development, a scheme setting out the timetable for the provision, methodology and content of a full report on the archaeological excavation of the proposed school site shall be submitted to, and approved in writing by the Local Planning Authority, and the report’s preparation and timescale shall thereafter accord with the approved scheme.”**

Conditions 13, 14 and 15 require full details full details of hard and soft landscaping, earthworks and all tree planting prior to the commencement of development. Again, this indicates a comprehensive site wide design being required with the first reserved matters submission.

## **RECOMMENDATION 3.**

**Within Conditions 13, 14 and 15 to insert the phrase “within each subsequent reserved matters submission” before “shall take place until...”, and then insert the following “details of the requirements of that reserved matters submission site in terms of...”**

Condition 19 similarly requires details of all sound attenuation measures prior to the commencement of development, however the need to incorporate sound attenuation measures is not required across the entire site.

## **RECOMMENDATION 4.**

**That condition 19 is revised to read:**

**“Before first commencement of development within each subsequent reserved matters approval, the applicant shall submit to and have approved in writing by the Local Planning Authority a scheme to provide sound insulation measures within each habitable building within that reserved matters application, and the development shall subsequently accord with the approved scheme.”**

Condition 20 requires the provision of all sewerage works prior to the commencement of development. Again, this will actually be delivered on a phased basis and the condition should be amended to reflect this.

## **RECOMMENDATION 5.**

**To vary condition 20 to read:**

**“No dwellings within any subsequent reserved matters submission shall be commenced on site until a scheme for the disposal of sewerage (to include the timing for provision) relating to that reserved matters proposal has been submitted to, and approved in writing by the Local Planning authority, and development shall subsequently accord with the approved scheme.**

A further condition relating to the need for ongoing archaeological evaluation is required at the request of the County Archaeologist.

#### **RECOMMENDATION 6.**

**To include a new condition 28.**

**“No development shall take place within the area of the application 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.”**

**Reason: To ensure that the archaeological interest of the site is appropriately recorded.**

**S/2002/1651.**

Condition 9 adopts the wording used in the outline application's condition 12.

#### **RECOMMENDATION 7.**

**That condition 9 of S/2002/1651 adopts the revised wording used for condition 12 of S/2002/1075.**

**“Before the commencement of development, a scheme setting out the timetable for the provision, methodology and content of a full report on the archaeological excavation of the proposed school site shall be submitted to, and approved in writing by the Local Planning Authority, and the report's preparation and timescale shall thereafter accord with the approved scheme.”**

The applicant is also unhappy that the works to commence the development of the school cannot begin until a Green Travel Plan is submitted to, and approved in writing by the Local Planning Authority.

The requirement for a GTP arises from the consultation response submitted by the County Highways Authority. In many cases the provisions for a GTP form part of any Section 106 Agreement and therefore require resolution prior to commencement of development. In this instance, as the school is likely to remain within the control of a single owner it is reasonable to address the issue by way of a condition. In this instance the applicant would prefer the trigger for delivery of the approved GTP to relate to the school's opening rather than commencement of development to allow the applicant to liaise between the County Highways Authority as promoter of the condition and the County Education Authority as site operator.

Whilst the LPA would not wish to hold up the commencement of the school, the Education Authority has had a lengthy period from 9<sup>th</sup> October 2003 to address this issue with the County Highways Authority. Failure so to do should not necessarily justify the use of a later trigger for the provision of the necessary GTP.

#### **RECOMMENDATION 7.**

**That no change is made to condition 15 relating to Green Travel Planning.**

### **3. BACKGROUND PAPERS:**

Planning Applications S/2002/1075 & S/2003/1651

#### **4. IMPLICATIONS:**

**Financial: Nil**

**Legal: Improved clarity for the enforcement of conditions relating to these developments.**

**Personnel: Nil.**

**Community Safety: Nil.**

**Council's Core Values:** Explain how your report and recommendations help to support the Council's core values.

**Ward(s) Affected: Amesbury East, Amesbury West.**

**Consultation Undertaken: Wiltshire County Council Archaeologist & District Council Legal Services.**