

Title: **Land north-east of Snowberry Lane and south of Sandridge Road, Melksham 04/01895/OUTES - Report on Section 106 Legal Agreements**

Reporting officer: **Rosie MacGregor, Principal Planning Officer**

1. Purpose

For the Committee to consider the contents of the legal agreements relating to the above development before the agreements are signed and sealed and planning permission issued. The full final draft legal agreement, together with more detailed summaries, is available for members to view in the Members Room.

2. Background

The proposals are for a residential development of 670 dwellings and associated ancillary facilities and works, including a local centre, a primary school, sports and recreation facilities and a distributor road.

The site of approximately 52 hectares is situated immediately to the east of Melksham and currently comprises fields intersected by hedgerows, footpaths and bridleways, with the Clackers Brook flowing through the southernmost portion of the site.

The application was considered by the Planning Committee at its meeting of 8 September 2005. The Committee resolved:

- a) that it was minded to grant outline planning permission subject to conditions following the completion of (a) section 106 agreement(s), and
- b) that the Planning Committee should agree the content of the agreement(s) before signing and sealing and planning permission being issued.

There are two agreements which seek to secure the provision of the following in accordance with the Development Brief and Master Plan.

The agreement with West Wiltshire District Council would secure:-

- a) 30% Affordable Housing.
- b) Public open space and play facilities.
- c) A Local Centre with up to 870 square metres of retail floor space, serviced land available for Health Care facilities, recycling facility, Community Hall, playing fields and changing room.

- d) A financial contribution of £110,000 for Public Art.
- e) Surface water attenuation basins.

The agreement with Wiltshire County Council would secure:-

- a) A Primary School together with an index linked commuted sum towards the build costs.
- b) A financial contribution towards Public Transport improvements.
- b) A Distributor Road together with highway alterations and improvements and land to facilitate the possible future duelling of the distributor road.
- c) Off-Site Highway Works to include new and upgraded cycleways and footpaths, crossings, traffic signals and traffic calming and bus stops and shelters.
- d) A Green Travel Plan.

3. The Legal Agreements

Both agreements have been the subject of lengthy negotiations between the different parties to the agreements and these have now been concluded and a final draft prepared.

Executive summaries of the two agreements are appended as separate documents at the end of this report together with a copy of the proposed planning conditions and informatives.

All parties are anxious that the S106 agreement should be completed and permission granted at the earliest opportunity to enable the development to proceed.

4. Key Issues

This report is simply to enable Councillors to view the provisions of the draft legal agreements before they are signed and sealed. The planning merits of the case were fully considered at the meeting on 8 September 2005 and are not matters for further consideration as part of this report.

The Planning Act enables local authorities and developers to enter into legal agreements to secure the delivery of matters that are necessary to make a development acceptable in planning terms. This included the requirement for financial contribution for public services, such as to education needs.

When considering the need for a planning obligation it must meet the following tests:

- 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 character to the proposed development; and
- reasonable in all other respects.

In this case officers are satisfied that the draft agreements meet the necessary tests and are consistent with the provisions of the approved Heads of Terms.

5. Recommendation(s)

That the Planning Committee gives its approval to the completion of the Legal Agreements to enable the formal grant of outline planning permission together with justification reason and all conditions as identified on the original resolution numbered 1 to 45 and informatives numbered 1 to 5.

6. List of Background Papers

Report to Committee, reference 04/01895/OUTES dated 8 September 2005 Item 1 on that Agenda.

Minutes of the Committee of 8 September 2005.

Appendices: Executive Summaries, Conditions and Informatives.

Plain English guidance given



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