

Agenda Item No: 5
Title: Friends School, Mount Pleasant Road, Saffron Walden
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Summary:

- 1 This report seeks authorisation to vary the Section 106 Agreement on planning permission UTT/0188/10/FUL relating to the residential development of part of the school site.
- 2 The proposed variation to the Section 106 Agreement would allow the occupation of affordable housing without being tied to the timing of works to the junction of Debden and Peaslands Road.

Recommendation:

The Section 106 agreement dated 31 March 2011 and made between Uttlesford District Council, Essex County Council, Friends School Saffron Walden, Hill Residential Limited and Barclays Bank Ltd relating to the Friends' School at Debden Road and Mount Pleasant Road, Saffron Walden, shall be amended by deed of variation as set out below:

- 3 Text to be added is shown **highlighted**. Text to be removed is shown ~~crossed out~~.

A new clause is proposed.

1.40. "Open Market Dwellings" shall mean the units of residential Occupation constructed in accordance with the Permissions which are not units of Affordable Housing

- 4 The element of the agreement which is sought to be varied is within Schedule 4, First Part.

"(Description of Highway Works)

~~The Highway works shall be completed before occupation of the development and shall comprise the construction or/realignment of:~~

1. ~~Before the Occupation of the first Open Market Dwelling~~ a signal controlled junction including pedestrian crossing facilities at Debden Road/Mount Pleasant Road to include the submission and approval of full engineering details of junctions and associated off-site infrastructure as shown in principle on drawing SAV/114/096 and implementation of such proposals, such details to include junction geometry, levels, forms of construction, signing, road markings, parking restrictions, street lighting and surface water drainage to be submitted to and agreed in writing by both UDC and ECC.

2. Before the Occupation of any Affordable Housing or any Open Market Dwelling the existing two school accesses onto Debden Road and the existing access on St Johns Close shall be permanently closed and replaced with full upstand kerbs and full depth footway construction to the satisfaction of ECC as soon as the proposed new access is brought into use. Details to be submitted to and agreed in writing with UDC in consultation with ECC prior to Implementation.
3. Before the Occupation of any Affordable Housing or any Open Market Dwelling the provision of the site access as shown in principle on drawing 170/340/003 Rev A, to include:
 - a. clear to ground visibility splay with dimensions of 2.4m by 90m as measured from and along the nearside edge of carriageway. Such sight splays shall be provided before the road is first used by vehicular traffic and retained free of any obstruction at all times.
 - b. 7.5m radius kerbs
 - c. 5.5m entry width

The Highway Works shall be carried out entirely in accordance with the details thereby approved. Details to be submitted to and agreed in writing with UDC in consultation with ECC and implemented.

such works being identified in principle on the Drawing or Drawings approved by ECC and UDC and to include any necessary alterations to and reinstatements of existing highways and statutory undertakers equipment the provision of or alteration to street lighting road signs drainage structures traffic signals related accommodation and any other works normally associated with the construction of a highway or required as a result of the ECC's Inspections."

Background:

- 5 The Committee resolved to grant planning permission under reference UTT/0188/10/FUL and Conservation Area Consent under reference UTT/0190/10/CA for the "Demolition of school buildings and the erection of new junior school with associated parking, 31 no. affordable houses, 18 no. 55+ units and 27 no. dwellings with associated garaging, parking, landscaping and play area, relocation of vehicular access onto Debden Road" at its meeting on 20 October 2010. This permission was subject to conditions and a Section 106 Agreement covering the following matters:

- Phasing of Development;
- Provision of Affordable housing;
- Open Market Housing;
- Application for the Diversion to footpath - entering into a Section 257 of the Town and Country Planning Act 1990 regarding the diversion of the public footpath 17 Saffron Walden;
- Educational Contribution towards:
Secondary Education - £173,892
Early years and Childcare - £62,257;
- Contribution of £1198.80 towards Air Quality Monitoring for a period of 5 years;
- Entering into a Community Use Agreement;

- Over 55's housing;
- Before occupation of development Signalising junction works to Debden Road/Mount Pleasant Road under Section 278

- 6** Currently there is a single trigger point for the three elements of highway works which precludes occupation of the development before the specified highway works have been carried out. The proposal removes this single trigger and replaces it with two triggers. The change would allow occupation of the affordable housing before the signalisation works - but not the occupation of the open market housing. The change to the wording of sections 2 and 3 is to simply insert a trigger point to replace the removed single overall trigger point. It maintains the current prohibition on occupation of either affordable or market housing prior to the carrying out of highway works specified in sections two and three.
- 7** The changes would allow the junction improvement works to be carried out during school holidays without compromising the handing over of the school buildings and affordable housing. Due to the nature of the works that the junction improvement would have on the busy road by undertaken them at a later, less busy time it would mitigate any impact without compromising the delivery of the development.

Background Papers: UTT/0188/10/FUL and UTT/190/10/CA