

REPORT FOR STRATEGIC PLANNING COMMITTEE

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| Date of Meeting | 14 December 2016 |
| Application Number | 15/12351/OUT |
| Site Address | Land at Rawlings Farm, Cocklebury Lane, Chippenham, Wiltshire, SN15 3LR |
| Proposal | Outline Permission for up to 700 Dwellings, Including 4.5ha Employment Space and Primary School. Up to 10ha New Public Open Space, Landscaping, Stormwater / Drainage Works, Substation and Associated Works. Access Using Parsonage Way, Darcy Close and from Cocklebury Lane (for Cycling and Pedestrian Only). |
| Applicant | KBC Developments LLP |
| Town/Parish Council | CHIPPENHAM |
| Electoral Division | CHIPPENHAM MONKTON |
| Grid Ref | 393297 173929 |
| Type of application | Full Planning |
| Case Officer | Mark Staincliffe/Mike Wilmott |

Reason for the application being considered by Committee

At the Strategic Planning Committee (SPC) Meeting held on 14 September 2016 members resolved to delegate authority to the Head of Development Management to GRANT planning permission, subject to conditions and completion of a S106 legal agreement. The legal agreement is progressing, but has not yet been completed and the permission has therefore not yet been granted. In these circumstances, the Council has a duty to consider any changes to the planning considerations that may arise between a resolution and a grant of permission where these may be material to the decision. In this case, since the above resolution was agreed by the SPC, the Council is consulting on proposed further modifications to the draft CSAP and in addition the Council has published its 2016 Housing Land Supply Statement. This application is now referred back to the SPC so as to update the Committee in light of these changing circumstances.

1. Purpose of Report

The purpose of the report is to consider whether the change in circumstances outlined above and described in greater detail below are 'material' to the extent that the weight to be attached to them would affect the original consideration of the application. The merits of the proposal were considered against the policies of the development plan and other material considerations at the time of SPC in September 2016 at which time it was recommended and accepted that authority be delegated to the Head of Development Management to **GRANT** planning permission, subject to conditions and the completion of a S106 legal agreement within six months of the date of the resolution of the Committee.

2. Report Summary

This addendum to the report sets out the changes in circumstances since the original report was considered by the committee and assesses whether this changes the planning balance and the officer recommendation on the application. The changes are identified as;

- Proposed further modifications to the draft Chippenham Site Allocations Plan (CSAP);
- 2016 Housing Land Supply Statement.

The conclusion reached is that changes do not alter the outcome of the planning balance exercise and that the original recommendation for approval should still stand.

The original report to the September SPC and the approved conditions is attached after this addendum.

3. The Proposal

The development proposed remains the same as that considered in the report presented to and approved by the Strategic Planning Committee on 14 September 2016:

Outline planning permission for up to 700 dwellings, including 4.5Ha mixed use employment space; a new primary school; new open space, landscaping, small local centre to accommodate up to 600m² of new retail space, care home for the elderly up 3000m², bridge access the railway from Parsonage Way, site access at Darcy Close and other associated works with all matters (except access) reserved.

4. Additional Information

The changes that have occurred since the SPC meeting in December are two-fold:

1. Chippenham Site Allocations Plan (CSAP)

The draft Chippenham Site Allocations Plan was submitted to the Secretary of State for Communities and Local Government on 31 July 2015 for Examination. A number of changes to the draft Chippenham Site Allocations Plan were consulted on in Summer 2016 and put before the Inspector to inform hearings held as part of the Plan's examination between 27 September and 4 October 2016. As a consequence of the re-opened hearing sessions and the Inspector's letter of 12 October 2016, further changes are proposed to the draft Chippenham Site Allocations Plan. Consultation on the proposed modifications closes on 12th December 2016.

The draft Chippenham Sites Allocation Plan remains an emerging Plan submitted to the Secretary of State for examination. Weight can be afforded to this document in accordance with Annex 1 of the NPPF, which states that weight to be given is proportionate to the stage of preparation, the extent of unresolved objections and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework. At the time of the SPC in September 2016 it was recommended that little weight could be attached to CSAP because there were still objections to the Plan and the examination was reconvening.

The hearings are now completed and Proposed Modifications to the Plan published for consultation. This represents a change in circumstance since the application was originally considered. Nevertheless the Examination of the Plan is not completed and there remain outstanding objections to the Plan which will not be resolved until receipt of the Inspector's report and the close of the Examination. As such, although the Plan has progressed since the meeting in September 2016 and greater weight could be attached to this document,

because there are still significant objections to the plan (some of which relate directly to this allocation), the weight that can be afforded to the Plan is still only limited.

In conclusion, CSAP still cannot be afforded full weight in the planning balance as the examination of the document has not yet concluded; there are still objections to the plan and it is still unclear if the proposed modifications will be accepted. Moreover, as is made clear in the "Planning Balance" section below, the proposal brings forward a series of planning benefits which make the proposal acceptable in its own terms and justify approval of this application now

Some concern is still being raised by local residents that the proposal is premature. There is no rule of law that a development control decision cannot pre-empt a decision by an Inspector charged with a Local Plan examination. It is acknowledged that there are elements of the proposal that could be in conflict with draft CSAP Policy CH2 as proposed to be modified. However, that conflict has always been the case. At the time of the SPC in September the draft proposals in the Plan for Rawlings Green were for 650 homes and no development in the country park area to the east of the proposed Cocklebury Link Road. The same position applies as a consequence of the Proposed Modifications. Despite these elements of the proposal being in conflict with the emerging policy it was considered that the application in general did not conflict with the CSAP given the delivery of homes, jobs, school, supporting infrastructure and the protection of landscape and heritage assets also required by the draft Policy.

2. 2016 Housing Land Supply Statement

In November 2016 the Council, as required by the National Planning Policy Framework (NPPF) and accompanying Planning Practice Guidance (PPG), published its update from the previous Housing Land Supply Statement (September 2015) for the three Housing Market Areas in Wiltshire.

Chippenham falls with the North and West Wiltshire Housing Market Area (HMA) and the document confirms that this HMA has 5.13 years of deliverable supply. In accordance with the National Planning Policy Framework, the Council is required to apply the appropriate buffer to its 5-year supply (either 5% or 20%). As the Council considers it requires a 5% buffer, this equates to needing to show a 5.25 year supply of land to meet 5 years worth of requirement. At the time the SPC considered the application in September there was a 4.76 years supply.

Though the Council's position has improved it still cannot currently demonstrate a 5 year housing land supply in the North & West HMA as required by the NPPF. The November 2016 HLS indicates the minimum residual requirement in Chippenham as 1661 homes, the overall conclusion reached in section 9.4 of the original report is still applicable when the 2016 figures are used -

Chippenham is not performing in line with Development Plan expectations. Of the minimum level of 4,510 houses to be provided in Chippenham over the Plan period, 1,661 are still required as of April 2016.

...while limited weight only can apply to the fact of breach of settlement boundaries given the shortfall in the housing land supply and the clear need to meet a significant amount of future housing and employment need beyond existing settlement boundaries, the fact that

Chippenham is to be a focus for development should carry significant weight in the decision-making process’.

The Council cannot currently demonstrate a 5 year housing land supply in the North & West HMA with the required buffer. In these circumstances, NPPF Paragraph 49 advises that policies relevant for the supply of housing should not be considered up-to-date.

5. Conclusion and Planning Balance

Whilst there have been changes in the background circumstances in which the application has to be considered since the September meeting of the SPC, as outlined above, the reality is that these changes are not significant enough to change the planning balance.

In relation to the CSAP, at the time of the SPC in September the draft proposals in the Plan for Rawlings Green were for 650 homes and no development in the country park area to the east of the proposed Cocklebury Link Road. The same position applies as a consequence of the Proposed Modifications. The weight to be given to the CSAP is still, as it was in September, only limited, given the depth and range of outstanding objections and the fact that the Council still awaits receipt of the Inspector’s report.

In relation to the five year land supply, whilst the shortfall has been reduced, the fact is that the overall situation still remains as it was in September – the Council still cannot demonstrate a 5 year supply of deliverable sites with buffer, which means that the policies relating to the supply of housing in the Core Strategy, including the limits of development are still to be considered out of date.

The September report highlighted that whilst these housing policies have to be considered out of date, it does not mean that they carry no weight. Nothing has changed in the fact that the policy and thrust of the Development Plan is that Chippenham is to be a main focus of development and that this should carry significant weight. Chippenham is not performing in line with Development Plan expectations and even with the revised 2016 Housing Land Supply figures, 1661 dwellings are still required over the plan period as at April 2016.

The benefits of the scheme outlined in September remain as considered by the committee then. It would bring forward much needed market and affordable housing and it would further bring forward employment provision. These matters are consistent with Chippenham being a focus for development. The fact that Chippenham is not delivering development as envisaged by the Core Strategy emphasises these benefits to which significant weight should attach. Significant weight should also attach to the economic benefits immediately associated with the proposal in terms of job creation and/or maintenance and spend in the local economy. Similarly, the provision of the ‘Cocklebury Link Road’ to unlock the existing extended cul-de-sac at Monkton Park and the ability to contribute to the delivery in the longer term to the Eastern Link Road offer both public and private transport benefits that weigh in favour of the proposal.

The September report outlined the negative impacts of the proposal that had to be weighed in the balance, including the harm to the landscape and the significant weight to be attached to the less than substantial harm to the setting of the designated heritage asset of Rawlings Farm House. None of these impacts are changed as a result of the changes since September.

It is not considered that the changes since September materially alter the position of the planning balance. The benefits of approving the scheme remain as set out in September and are considered to still outweigh the negative impacts identified then.

RECOMMENDATION

It is recommended that authority be delegated to the Head of Development Management to **GRANT** planning permission, subject to the conditions listed in the original report set out below and completion of a S106 legal agreement covering the areas outlined in that report within the three months remaining of the original six months agreed by the Committee in September (ie by 14th March 2017).

In the event of failure to complete, sign and seal the required section 106 agreement within the originally defined timeframe to then delegate authority to the Area Development Manager to **REFUSE** planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Air Quality Management and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.