

## **STRATEGIC PLANNING COMMITTEE ADDITIONAL INFORMATION**

26<sup>th</sup> August 2020

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

### **Item 6) 17/07793/FUL - Wavin Ltd, Parsonage Way, Chippenham, Wiltshire**

#### **Late Representations**

Following notifications to the applicant team and publication of the report to Committee Officers and the applicant's representatives (Agent and Solicitor) have had several exchanges of correspondence. Officers have provided further clarifications as to the Council's position at the request of the applicant team and updated two elements of the draft agreement which were subject to dispute such that those are now resolved. Officers also provided a further draft of the agreement to reflect that exchange of correspondence and offered the applicant a final opportunity to confirm intention to complete without further amendment and as tabled.

The applicant's representatives have reviewed the latest draft and have confirmed in writing that all provisions and clauses as tabled are acceptable and that they are willing to complete the agreement on this basis without further amendment. In particular the applicant has accepted the Council's position and proposed clauses as worded in respect of the two key matters of dispute as set out in the Committee report; those being in respect of commencement of development definition; and Council approval of the eastern roundabout works.

The applicant has also provided updated title to confirm land interests but at the time of writing there remains some query in this respect and further information is being sought. It may be the case that a third party needs to be a signatory if it cannot be confirmed that their interest in the land has been discharged. That may affect timeframes for the completion of the agreement, particularly given the COVID 19 situation, and so some degree of flexibility is required in that regard and informs the revised recommendation below with respect to timeframes and the possible need to extend them. The applicant has also confirmed that there is no dispute as to compliance of the agreement with CiL Regulations.

#### **Officer Response**

The matters of dispute in respect of the draft agreement as identified in the report no longer exist and the applicant confirms in writing they accept the agreement as worded and will sign and complete on that basis without further amendment. As such there is no sound and importantly a defensible basis for refusal of the application. The officer recommendation to Committee as set out in the report is therefore proposed for amendment as follows:-

**To delegate authority to the Head of Development Management to grant permission subject to conditions listed in the original report to Committee dated 15/08/2018; and the completion within three months of the date of the Committee resolution of the s106 agreement / planning obligation to secure Highways provisions as agreed and engrossed as a final document as at 25/08/2020. To delegate authority to the Head of Development Management in consultation with the Chair and Deputy Chair of the Committee to agree an extended timeframe to secure signing and completion of the agreement if that proves necessary due to land interests, COVID 19 or other factors beyond the control of the Council and applicant.**

**In the event that the applicant fails to enter into the agreement as engrossed within this timeframe, or an extended timeframe if agreed as necessary in consultation with the Chair and Deputy Chair of the Committee, refuse permission for the following reason:-**

**The proposed development without the required planning obligation fails to deliver the necessary highways works and enhancements required to secure a safe and appropriate development and the specific requirement of the Council's Strategic Planning Committee resolution not to prejudice delivery of the permitted Rawlings Green Rail bridge and thereby conflicts with Wiltshire Core Strategy (Jan 2015) CP3 CP34(ix) CP57 (ix) CP60 CP61 CP62; Chippenham Sites Allocation Plan (May 2017) CH2; and paragraphs 11 and 108 (b) 109 110 of the National Planning Policy Framework (July 2019)**