

REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	24 th April 2013		
Application Number	13.00202.S106		
Site Address	Land Adj Rowden Lane, Chippenham, Wiltshire		
Proposal	Modification of legal agreement associated with 02/0600/FUL to reduce the amount of affordable housing provision.		
Applicant	Redcliffe Homes Ltd		
Town/Parish Council	Chippenham		
Electoral Division	Chippenham Lowden & Rowden	Unitary Member	Cllr Judy Rooke
Grid Ref	391087 172484		
Type of application	S106		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Judy Rooke to be heard in conjunction with application 11/04160/FUL .

1. Purpose of report

To consider the above application and to recommend that consent be DELEGATED to officers to allow the drawing up and signing of a revised legal agreement.

2. Report summary

The main issue in the consideration of this application whether the applicant has satisfactorily demonstrated to the Council that the site is unviable if they are to provide the 30% affordable housing agreed in the original legal agreement.

The application has generated no objections from Chippenham Town Council and no letters of objection from the public.

3. Site Description

The site is part of the original permission granted at appeal for 138 houses under reference 02/0600/FUL . Part of the development (parcels E & F) have been completed for some time with their access off Patterdown.

The site is in 2 parcels – A & B. Parcel A to the north will involve the demolition of a bungalow, but is largely overgrown scrub land. Parcel B to the east is also overgrown although there are some poor quality agricultural buildings on site. A public footpath (to be retained) runs along the western boundary of parcel B.

Access to both parcels is from Rowden Lane, but the development will mean that the link to the Patterdown entrance/egress will need to be completed and Rowden Lane made a one way access only just to the west of Parcel A.

4. Relevant Planning History		
Application Number	Proposal	Decision
02/00600/FUL	Construction of 138 dwellings with ancillary roads, public open space and ancillary works.	Allowed at appeal with condition
06/01302/S73A	Amendment to conditions 2, 3, 6, 8 and 9 of 02/00600/FUL to enable phased development with amended access arrangements.	Allowed with conditions
13/00202/S106	Modification of legal agreement to reduce affordable housing contributions on parcels A & B..	Outstanding.

5. Proposal

The proposal is for alterations to the legal agreement that accompanied approval 02/00600/FUL to reduce the contributions to affordable housing due to the viability of the site.

6. Planning Policy

North Wiltshire Local Plan 2011 policies C3 and H3.

Wiltshire Core Strategy Core Policy 45.

NPPF Guidance in section 6 on delivering a wide choice of high quality homes.

7. Consultations

Chippenham Town Council has no objections.

The Principal Housing Officer states: . Following the recent meeting that was held with the agents for Rowden Lane, Chippenham an open book has been submitted to the Council. I have reviewed the figures for the above application and can confirm that in line with North Wiltshire's Affordable Housing Supplementary Document 2008, the Council acknowledges that developers frequently incur other costs in bringing forward development opportunities. The level of affordable housing is therefore dependent on the level of these costs, and is assessed very much on a site by site basis after considering the site conditions and the economics of provision. Following an open book assessment of Rowden Lane, Chippenham, application no. 02/0600/FUL and 06/01302/S7A, it has been demonstrated by the applicant that the requirement to provide the full affordable housing contribution makes the scheme unviable. The following mix and tenure has been agreed;

Parcel A

Plots 23 & 24 (previously plots 66 & 67) – 1bed apartments @46sqm affordable rent
 Plots 28 & 29 (previously plots 71 & 72) – 2 bed houses @76sqm – rent on unsold equity pitched at 1%
 4 plots

Parcel B

Plots 2,3,4 & 5 (previously plots 95,96,97 & 98) 1 bed apartments @46sqm – Affordable rent
 Plots 39 & 40 (previously plots 134 & 135) 2 bed houses @ 76sqm – Rent on unsold equity pitched at 1%
 Plots 36, 37 & 38 (previously plots 136, 137 & 138) – 2 bed houses @ 76sqm – Affordable rent.
 9 plots

The homes are to be built to HCA Design and Quality Standards and North Affordable Housing Supplementary Planning Document.

CPRE object to the reduction as the draft Core Strategy policy 43 seeks affordable housing at 40% on sites over 5 dwellings. This is because the need for affordable housing is the fastest rising sector. This will not be resolved if numbers are allowed to be reduced. The Inspector at the Inquiry will be asking questions regarding the debate on affordable housing figures. The decision should be held back until after the Inquiry into the Core Strategy.

8. Publicity

The application was advertised by site notice and neighbour consultation.

0 letters of objection received

9. Planning Considerations

Planning permission was granted for 138 dwellings with associated works at appeal under reference number 02/00600/FUL and commenced when the houses in Patterdown were built. The planning permission is still live and can be built out at any time.

The original agreement with 02/00600/FUL dated 14th November 2002 showed Redcliffe agreeing to provide 30% of the units as affordable housing (AH). However, the layout plan approved by the Inspector shows a different level of provision with Parcel E providing 12 units, Parcel A 8 units, Parcel B 16 units (26%). The price to be paid for the AH units would be calculated using the Total Cost Indicator. However, it was acknowledged by the parties to the S106 that Total Cost Indicators were no longer available. The parties therefore, agreed to revise the original S106 agreement to reduce the number of affordable units on parcel E (the only site developable at the time) to 10 in 2008. This equated to 23% provision in Parcel E.

Redcliffe Homes purchased parcels A and B and before development commences have undertaken a viability study using the HCA development toolkit. Parcel A is difficult to develop because of its long thin nature (cost of sewers and inefficiency of road works) together with the oil pipeline which sterilises part of the site. Parcel B's major constraint is the provision of the required length of publicly adoptable road, together with other services.

Other costs are the contribution required to the main access and bridge (Patterdown) and the other S106 requirements for highways improvements, public open space and education.

The site lies within the framework boundary of Chippenham with an extant permission. The provision of homes is a key driver in the current planning environment and although affordable homes are very high on the agenda, the provision of some affordable homes is to be seen as better than the non-provision of any homes. With the Housing Officer's acceptance of the revised figures, it is considered that a refusal cannot be justified.

10. Recommendation

Planning Permission be DELEGATED to the Area Team Leader to allow the drawing up and signing of a revised S106 agreement to take into account the reduced contribution to affordable housing, but also to include any payments to highways, public open space and education as per the original agreement.

