

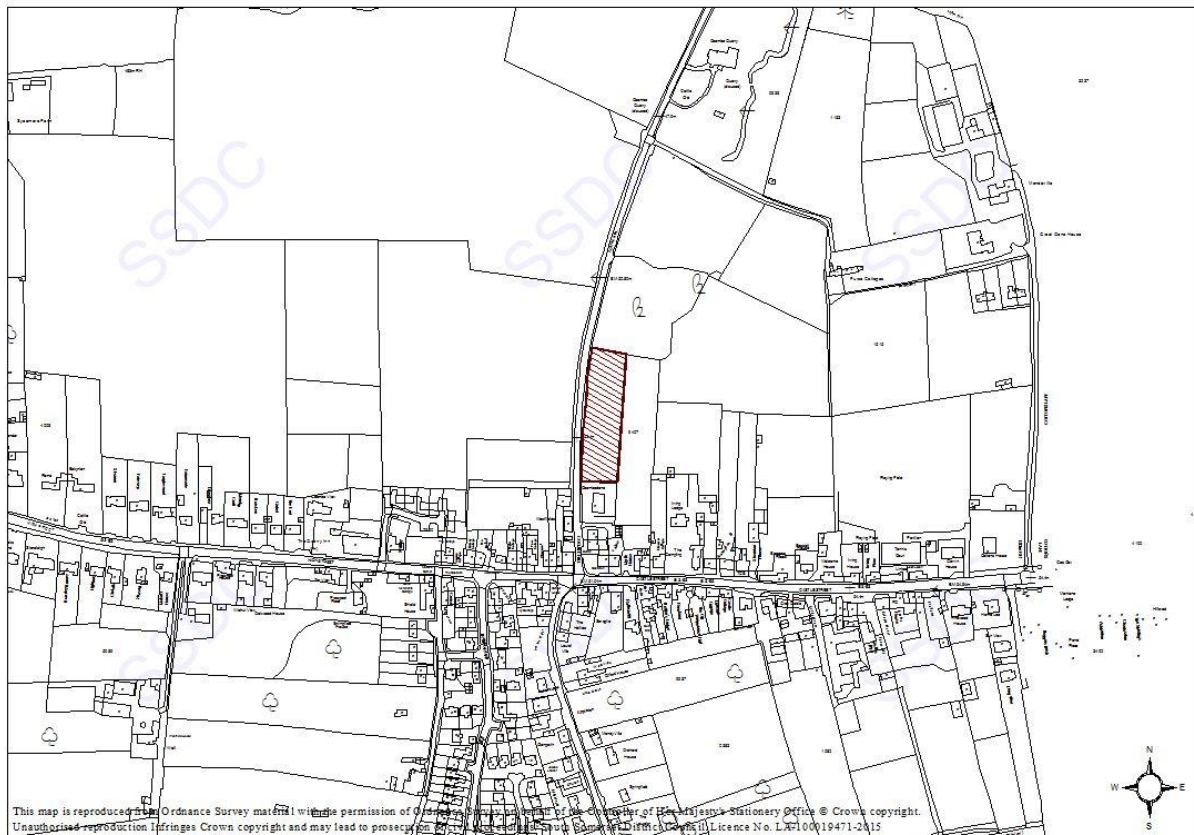
Officer Report on Planning Application: 15/00407/DPO

Proposal :	Application to discharge a Section 106 Agreement dated 19th January 2015 relating to planning permission 14/03788/FUL(GR:354922/131095)
Site Address:	Land North Of Coombedene Coombe Hill Keinton Mandeville
Parish:	Keinton Mandeville
NORTHSTONE (SSDC Member) Ward	Cllr J Calvert
Recommending Officer:	Case Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	19th March 2015
Applicant :	Mr Eric Mackenzie
Agent: (no agent if blank)	
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as the contributions that the applicant does not wish to pay were agreed as part of a decision of this committee.

SITE DESCRIPTION AND PROPOSAL



REPRESENTATIONS

One letter of objection received from the occupier of a neighbouring property stating that they maintain their previous objections

APPLICANT'S CASE

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"I have considered your suggestion asking me to pay the local contributions sought, amounting to £30,292.

I am aware of the similarities of this application and the Barton Road application in terms of location and size of site, however this application will provide the small houses and bungalows required by the village as stated in the Keinton Mandeville Local Community Plan, therefore providing a community benefit.

This application is also in a more favourable location, and has already been granted planning permission.

This amount of money will make a huge difference to a small developer such as myself, enabling me to focus on the quality and refinement of the development, which was the intention of the government when they changed the requirements for contributions in November 2014.

I therefore respectfully request that the whole Section 106 is removed, in line with paragraph 012 of the planning portal."

CONSIDERATIONS

Paragraph 012 of the "Planning Obligations" section of the National Planning Practice Guidance states that contributions for affordable housing and tariff style planning obligations *"...should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm"*.

The approved scheme is for 8 units with a combined gross floor space of less than 1000 square metres. As such, there is clear central government advice dictating that the type of contributions that have been agreed should not be sought.

The developer was asked whether he would still be willing to pay the local contributions, but he declined on the grounds that in his opinion the development will provide the small houses and bungalows required by the village as stated in the Keinton Mandeville Local Community Plan, therefore providing a community benefit. He also argued that the amount of money involved would make a huge difference to a small developer such as himself, enabling him to focus on the quality and refinement of the development, which he argues was the intention of the government when they changed the requirements for contributions in November 2014.

Given the clear position dictated by central government it is difficult to see how the LPA can resist the application to discharge the legal agreement.

The application is therefore recommended for approval.

RECOMMENDATION

1. To allow the discharge of the Section 106 Agreement dated 19 January 2015 made between South Somerset District Council and Eric Mackenzie Limited.
2. To instruct the Council's Legal Services of the need to complete a deed of variation.