

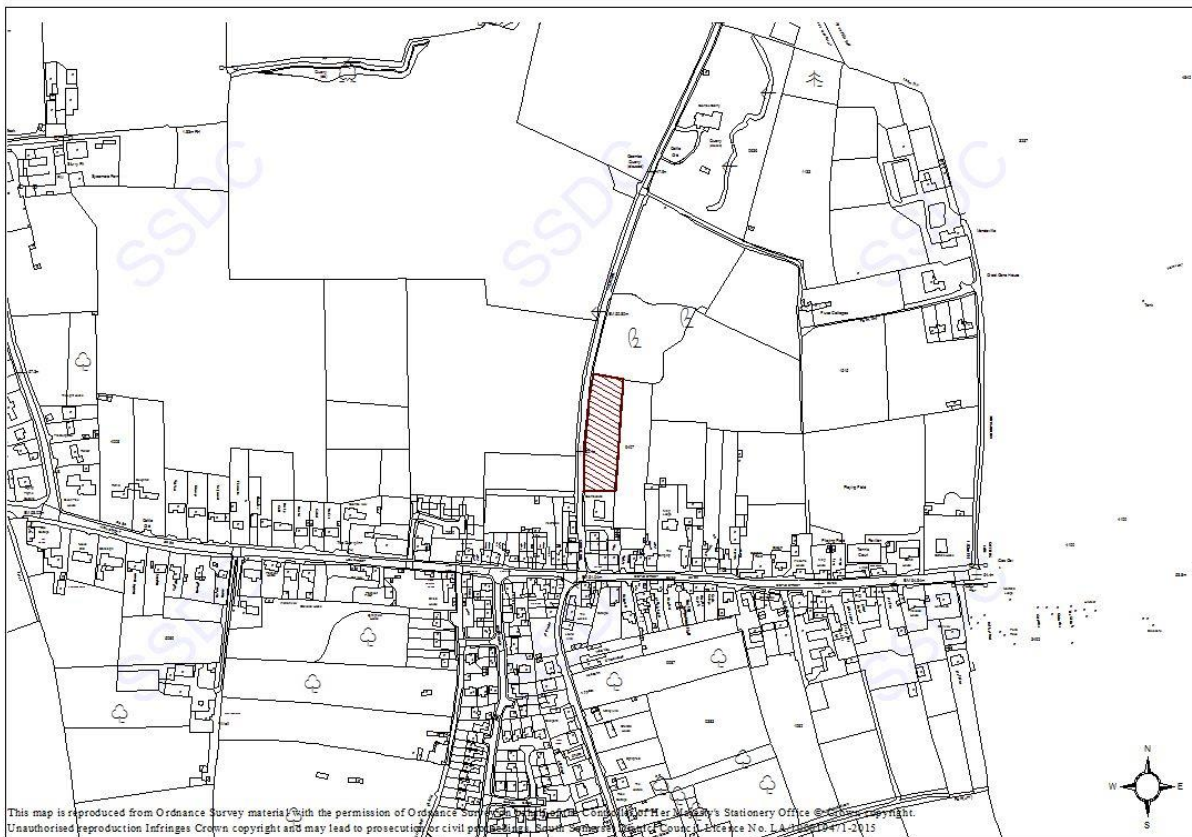
Officer Report on Planning Application: 15/00407/DPO

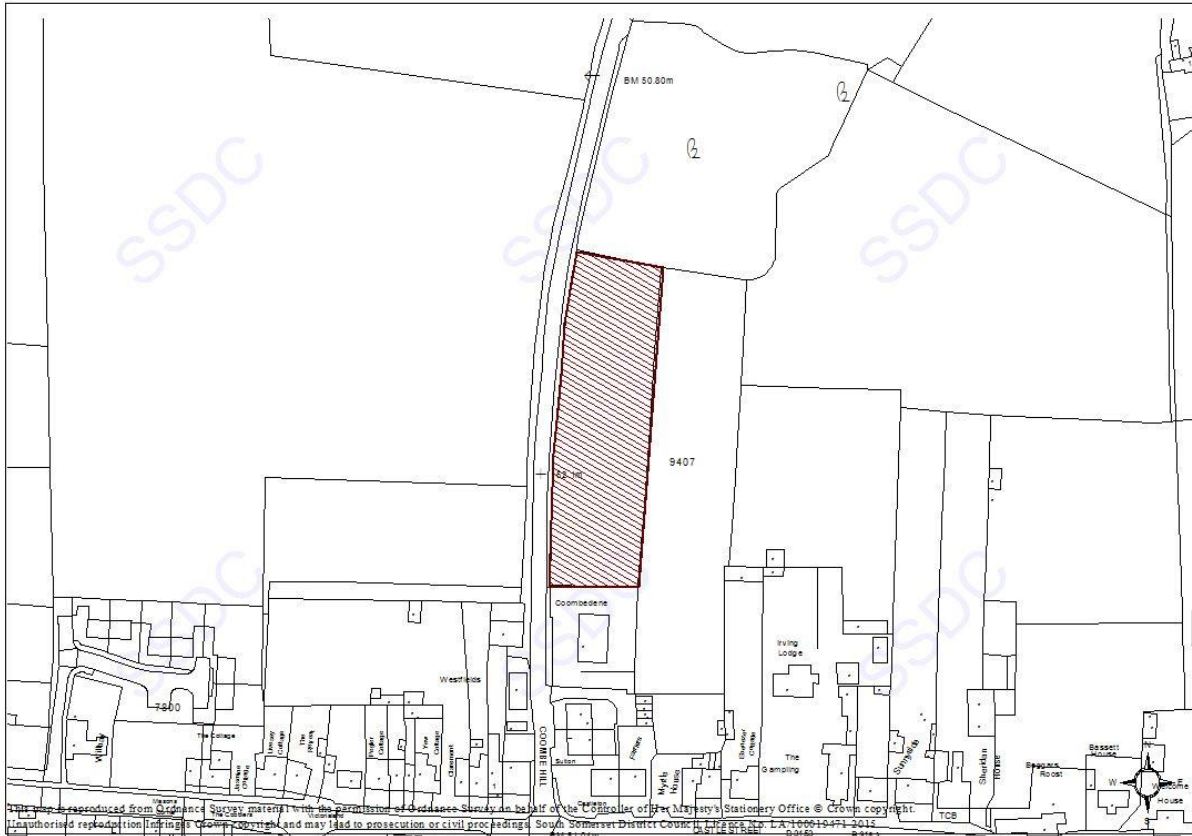
Proposal :	Application to discharge a Section 106 Agreement dated 19th January 2015 relating to planning permission 14/03788/FUL(GR:354922/131095)
Site Address:	Land North Of Coombedene Coombe Hill Keinton Mandeville
Parish:	Keinton Mandeville
NORTHSTONE Ward (SSDC Member)	Cllr J Calvert
Recommending Case Officer:	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 was discussed at Area East Committee 11 March 2015. The committee deferred the application to allow for the formal request of the committee to be put to the applicant to retain the local component of the sports, arts and leisure contributions. The applicant has since agreed to retain a component of the local contributions sought.

SITE DESCRIPTION AND PROPOSAL





This application is now seeking to vary a Section 106 agreement dated 19 January 2015, which is an agreement relating to the following planning permission;

14/03788/FUL - Erection of 8 dwellings - Application permitted with conditions 19/01/2015

The legal agreement secures the payment of £5,036 per dwelling (£40,289 in total) towards the provision of recreation and leisure facilities both locally and strategically. These comprised:

- £6,474.00 towards enhancing the changing facilities at Keinton Mandeville Playing Field or towards providing new changing facilities at the village hall with a sum of £521.00 as a commuted sum towards the long term maintenance of those facilities.
- £12,392.00 towards enhancing the existing village hall in Keinton Mandeville.
- £6,912.00 towards enhancing the equipped play area at Keinton Mandeville Playing Field together with a sum of £3,993.00 as a commuted sum towards the long term maintenance of those facilities.
- £2,515 towards expanding and enhancing the Octagon Theatre in Yeovil.
- £646 towards the provision of a new 3G AGP at Huish Episcopi Academy School
- £1,471 towards the development of an indoor swimming pool in the Langport/Huish Episcopi area or towards the development of a centrally based 8 lane district wide competition pool in Yeovil.
- £1,905 towards the provision of a new indoor tennis centre in Yeovil, likely to be within Yeovil Sports Zone.
- £3,062 towards the enhancement of the sports hall at Huish Episcopi Academy School or towards the development of a centrally based 8-court district wide competition sports hall in Yeovil.
- £399 as an administration fee.

The applicant has now agreed to pay a contribution of £6,912 towards enhancing the equipped play area at Keinton Mandeville Playing Field together with a sum of £3,993 as a commuted sum towards the long term maintenance of those facilities. This would translate as a contribution £1,363.13 per dwelling.

HISTORY

14/03788/FUL - Erection of 8 dwellings - Application permitted with conditions 19/01/2015

14/01259/OUT - Outline application for the erection of up to 8 no. dwellings (with all matters reserved) (revised scheme) - Application refused 29/05/2014

14/00790/OUT - Outline application for the erection of up to 7 no. dwellings (with all matters reserved) - Application withdrawn 06/03/2014

POLICY

National Planning Policy Framework

Paragraphs 203-206 - Planning Conditions and Obligations

National Planning Practice Guidance

Planning Obligations - Para. 012

CONSULTATIONS

Parish Council - Notes the change in law regarding s106 contributions for developments of 10 houses or less. They state that the request is disappointing especially as the development was promoted as having many benefits for the village. They acknowledge that the application would be difficult to challenge.

REPRESENTATIONS

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

APPLICANT'S CASE

"It is my understanding that section 106 payments are not necessary for developments of 10 units or less, and that you agree with this.

I am however aware that the Area East Committee would like to see some local benefits, so I am willing to offer to pay for the enhancement of the playing field, and the long term maintenance of it (totalling £10905.00). I hope that this would be an acceptable compromise.

I am also aware that I have the right to appeal, which could go in my favour, but I would rather not waste the time and delay the project so I would prefer to resolve this at the Area East Committee.

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.

Following the deferral of the scheme, and on the request of the committee, the applicant was again asked whether he would be willing to pay the local component of the contributions, a total of £30,292.

The applicant stated that he is aware that he has the right to appeal, which could go in his favour, but he would rather not waste the time and delay the project so would prefer to resolve this at the Area East Committee. He has therefore offered, as a compromise, to pay a contribution of £6,912 towards enhancing the equipped play area at Keinton Mandeville Playing Field together with a sum of £3,993 as a commuted sum towards the long term maintenance of those facilities. This totals £10,905.

Given the clear position dictated by central government it is difficult to see how the LPA could have resisted the application to discharge the legal agreement, so the applicant's agreement to pay a small element of the local contributions is considered to be acceptable.

The application is therefore recommended for approval.

RECOMMENDATION

1. To allow a variation to the Section 106 Agreement dated 19 January 2015 made between South Somerset District Council and Eric Mackenzie Limited. Such a variation to reduce the contributions from £5,036 per dwelling to £1,363.13 per dwelling. £6,912 of the contributions to be used towards enhancing the equipped play area at Keinton Mandeville Playing Field together with a sum of £3,993 as a commuted sum towards the long term maintenance of those facilities.
2. To instruct the Council's Legal Services of the need to complete a deed of variation.