

Area North Committee – 28 August 2013

Officer Report On Planning Application: 13/00557/DPO

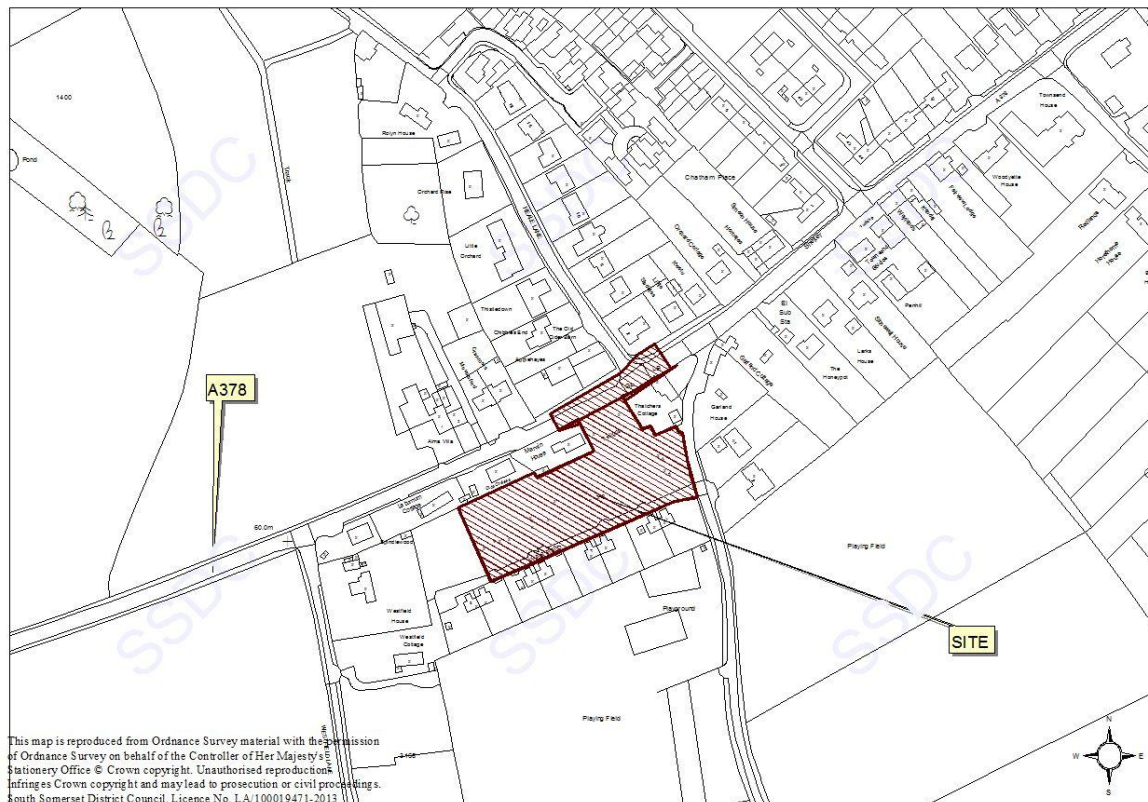
Proposal :	Application to discharge requirement of Strategic Sports contribution relating to planning approval 09/00023/FUL (GR 338356/124790)
Site Address:	Land Rear Of Westfield House, Westfield, Curry Rivel
Parish:	Curry Rivel
CURRY RIVEL Ward (SSDC Member)	Cllr Terry Mounter
Recommending Case Officer:	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
Target date :	5th April 2013
Applicant :	Yarlington Housing Group
Agent: (no agent if blank)	
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

Application to seek the discharge of a financial obligation within the S106 Agreement relating to Planning Approval 09/00023/FUL.

SITE DESCRIPTION AND PROPOSAL





The application site is situated to the east of Holden's Way, Curry Rivel. The original application (09/00023/FUL) gained full planning permission for the demolition of 9 dwellings and the replacement with 20 dwellings with associated access, parking and landscaping.

This DPO (Discharge of Planning Obligation) is made to vary the S106 planning obligation to discharge the requirement to pay specific elements of the Strategic Leisure Contributions relating to the planning approval (09/00023/FUL) on the grounds of financial viability. The ability of an applicant to make an application to vary a S106 was agreed by the District Executive in April 11.

All payments towards open space, equipped play, youth facilities and playing pitches for the local area have been made.

HISTORY

(09/00023/FUL) Demolition of 9 dwellings and the replacement with 20 dwellings with associated access, parking and landscaping.

POLICY

ST10 of the South Somerset Local Plan (Planning Obligations)

Policy ST10 states:

"Where, as a direct consequence of a proposed development, additional infrastructure or mitigation measures are required within the development site or elsewhere, the local planning authority will seek planning obligations to secure or contribute to the provision of infrastructure, mitigation measures, community facilities, a range of house types and

appropriate phasing of development. Piecemeal development will not be permitted".
Process for Developers to follow if they wish to vary/amend an S106 - District Executive
April 11

CONSULTATIONS

Ward Member - No comments received

Parish Council - Members noted the application, no further comments made.

Area Development Manager (North) - Verbal acceptance in line with the Council's policy.

Community Health & Leisure Manager - No objection to the application.

REPRESENTATIONS

Due to the nature of the application no neighbouring properties were consulted.

CONSIDERATIONS

The application is made to vary the S106 agreement dated 9th November 2009 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (09/00023/FUL) on the grounds of financial viability.

The S106 agreement secured the provision of Affordable Housing & contributions of open space, playing pitch equipped play, youth and leisure facilities.

The scheme subsequently provided 100% affordable housing.

An open space contribution of £13,452 has been received by the developer.

A play equipment contribution of £16,188.01 has been received from the developer.

A youth facilities contribution of £5,526 has been received from the developer.

A playing pitch contribution of £17,042 has been received by the developer.

All contributions secured to serve the development at Curry Rivel.

The developer, as per South Somerset's approved process, has supplied an independent financial viability appraisal of the scheme showing they are unable to pay the strategic leisure contribution (£13,029) - towards sports halls, swimming pools and/or synthetic pitches in Yeovil. Although this appraisal is commercially sensitive a written submission details how the developer (Yarlington Housing Group) secures their finances and explains how the situation has changed from the time at which the original planning obligation was signed.

The financial data submitted with this application has also been ratified by our own internal development valuer who agrees with the DV's opinion that this scheme is unable to make the strategic financial contributions.

The process to consider the determination of these applications was approved at District Executive in line with Government advice to LPA's to be more pragmatic when viability is an issue in bring forward development, particularly when those schemes contain affordable housing.

CONCLUSION

It is concluded that the applicants have demonstrated in accordance with South Somerset District Council's protocol that the scheme is unable to make the contributions towards Strategic Leisure Facilities.

RECOMMENDATION

1. To approve the discharge of the specific strategic contributions from the planning obligation dated 9th November 2009.
 2. To instruct the Council's Solicitor to modify the S106 agreement.
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