

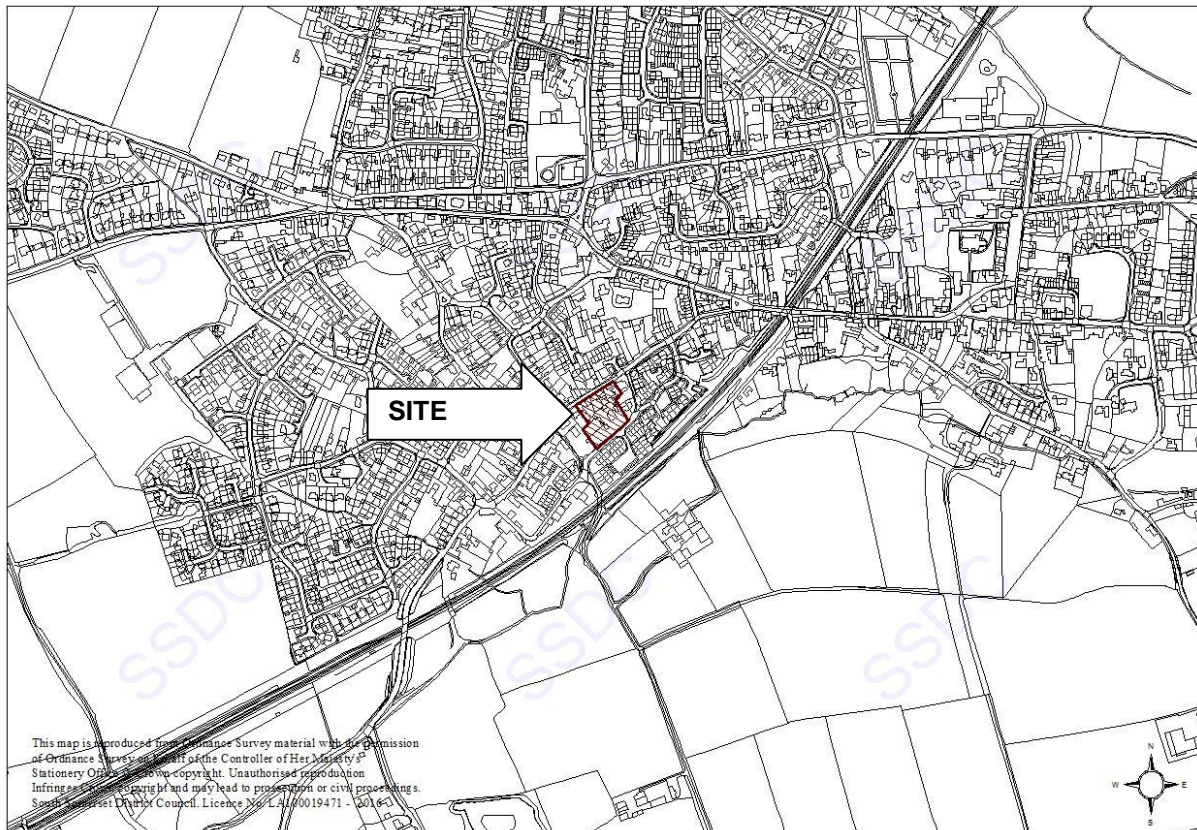
## Officer Report On Planning Application: 15/04989/DPO

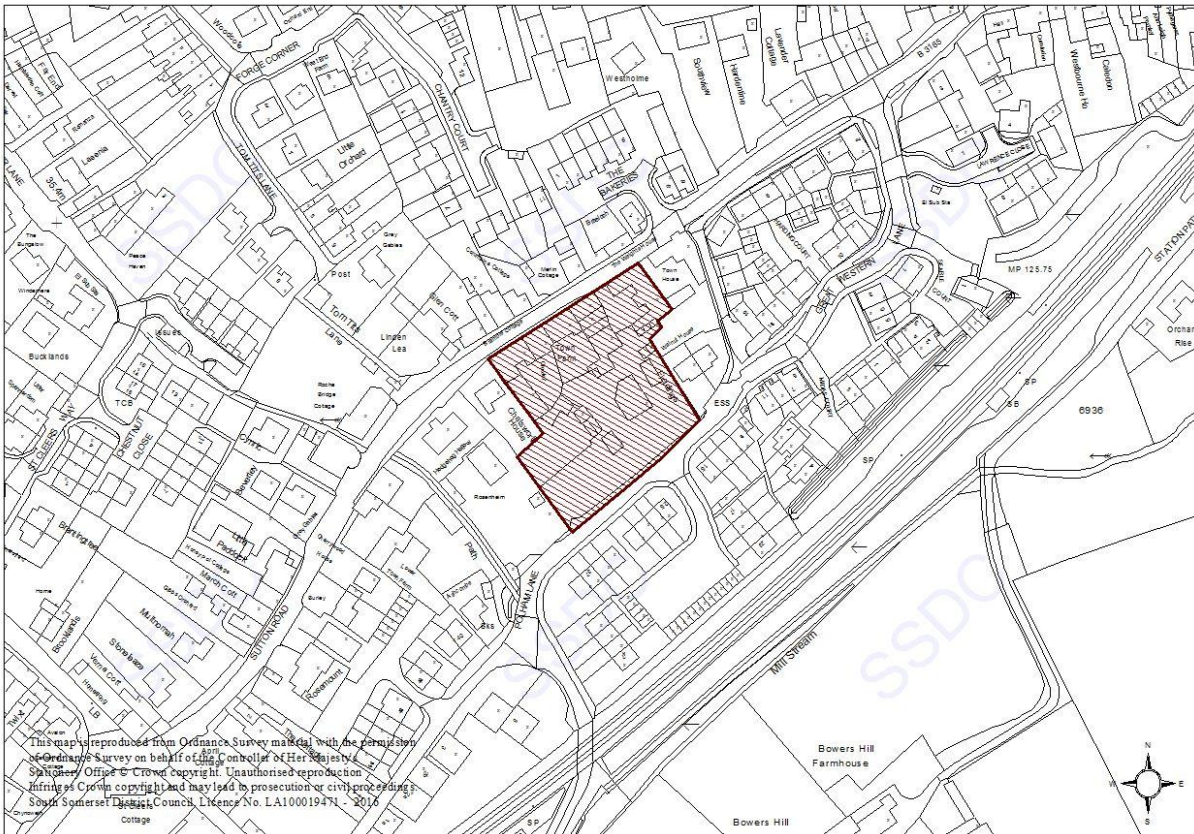
<b>Proposal :</b>	Application to modify Section 106 Agreement dated 10th August 2011 between SSDC and Joan Louise Canvin, John Charles Canvin and David Frederick in connection with planning permission 10/03245/OUT to pro rata contributions.(GR: 348503/128396 )
<b>Site Address:</b>	Town Farm, Sutton Road, Somerton.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr Stephen Page Cllr Dean Ruddle
<b>Recommending Case Officer:</b>	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
<b>Target date :</b>	22nd December 2015
<b>Applicant :</b>	Gadd Properties (South West) Ltd
<b>Agent: (no agent if blank)</b>	Robin Furby S106 Managment, Higher Duryard House, Pennsylvania Road, Exeter EX4 5BQ
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee as it seeks to modify the S106 agreement containing financial planning obligations.

### SITE DESCRIPTION AND PROPOSAL





The site refers to a former farm site located between Sutton Road to the north and Polham Lane to the south, a site with outline planning permission for 14 dwellings, later reduced to 12 dwellings by the approval of the reserved matters.

This DPO (Application to Discharge/Modification of Planning Obligations) is seeking to vary a Section 106 agreement dated 10TH August 2011, to recalculate/pro rata the financial obligations in-line with the reduced dwelling numbers approved as part of the approval of the reserved matters.

## HISTORY

14/03067/REM - Demolition of agricultural buildings, formation of new access and erection of 12 dwellings with garage/parking (Reserved Matters following outline approval 10/03245/OUT) - Application permitted with conditions.

10/03245/OUT - Demolition of agricultural buildings, formation of new access and erection of 14 dwellings with garage/parking - Application permitted with conditions.

## POLICY

HW1: Provision of open space, outdoor playing space, sports, cultural and community facilities in new development.

SS6: Infrastructure Delivery

## **CONSULTATIONS**

The following bodies/individuals have been consulted:

**Area Development Manager (North):** Verbal acceptance in line with policy.

**Leisure Policy Co-ordinator:** I confirm that Community, Health and Leisure are in agreement with the DPO to reduce the contributions sought, on a pro rata basis, from 10/03245/OUT for 14 dwellings to 12 dwellings in accordance with 14/03067/REM.

## **REPRESENTATIONS**

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

## **CONSIDERATIONS**

The outline permission required the developer to pay a total financial planning obligation of £73,875.03 based on the development of 14 dwellings.

This DPO application now seeks to pro-rata this figure to £63,321.48 based on a development of 12 dwellings.

£32,915.25 has already been paid by the developer.

Remaining obligations to be paid on occupation of 5th dwelling.

## **Conclusion**

It is concluded that it is fair and reasonable to allow the applicant to modify the agreement in respect of the financial obligations (pro-rata) to reflect the reduced number of units as approved within the Reserved Matters application.

## **RECOMMENDATION**

1. To approve the modification of the of the Equipped Play Contribution, Changing Room Contribution, Youth Facilities Contribution and the Strategic Communities Facilities Contributions from the planning obligation dated 10th August 2011.
  2. To instruct the Council's Solicitor to modify the S106 agreement.
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