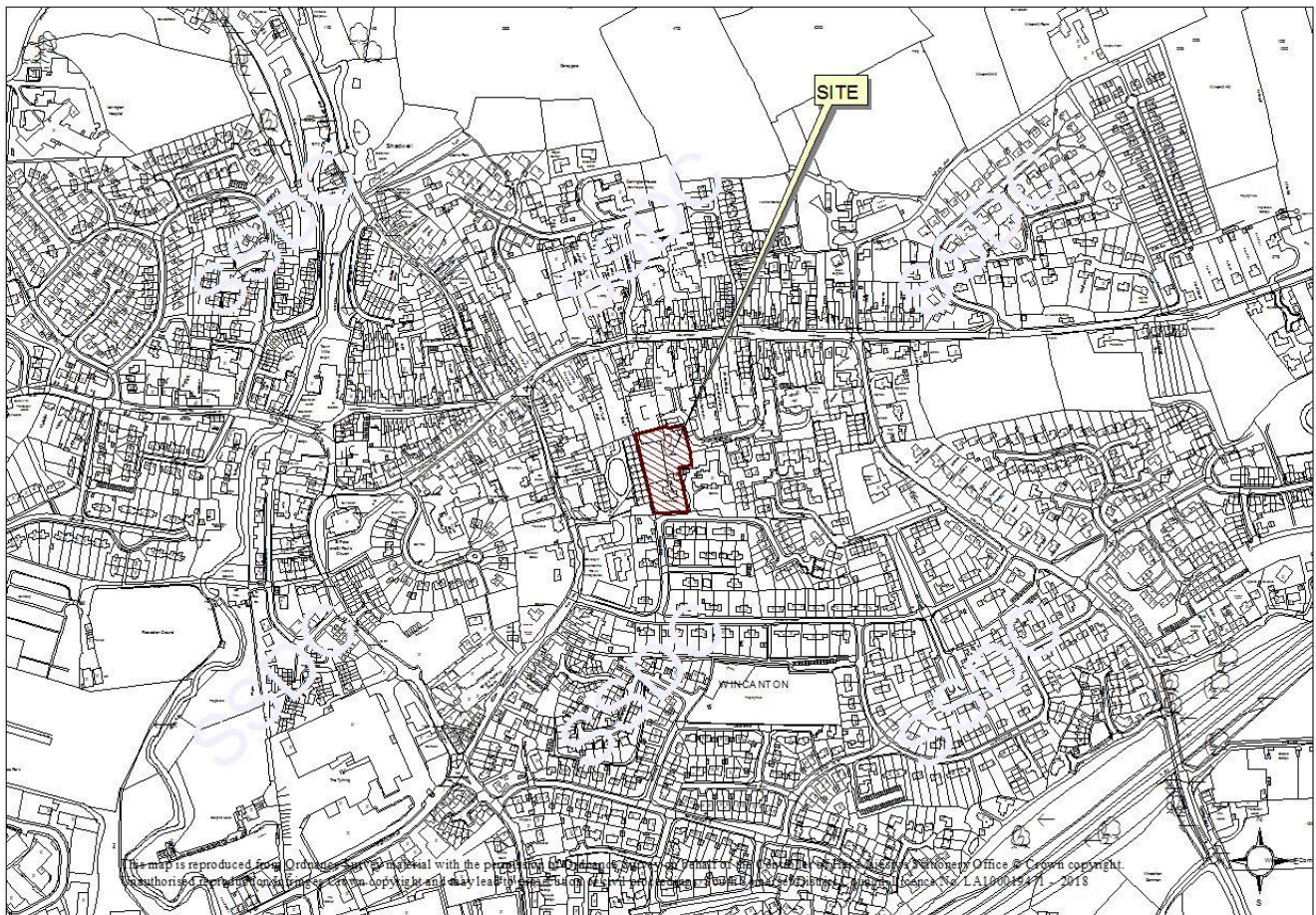
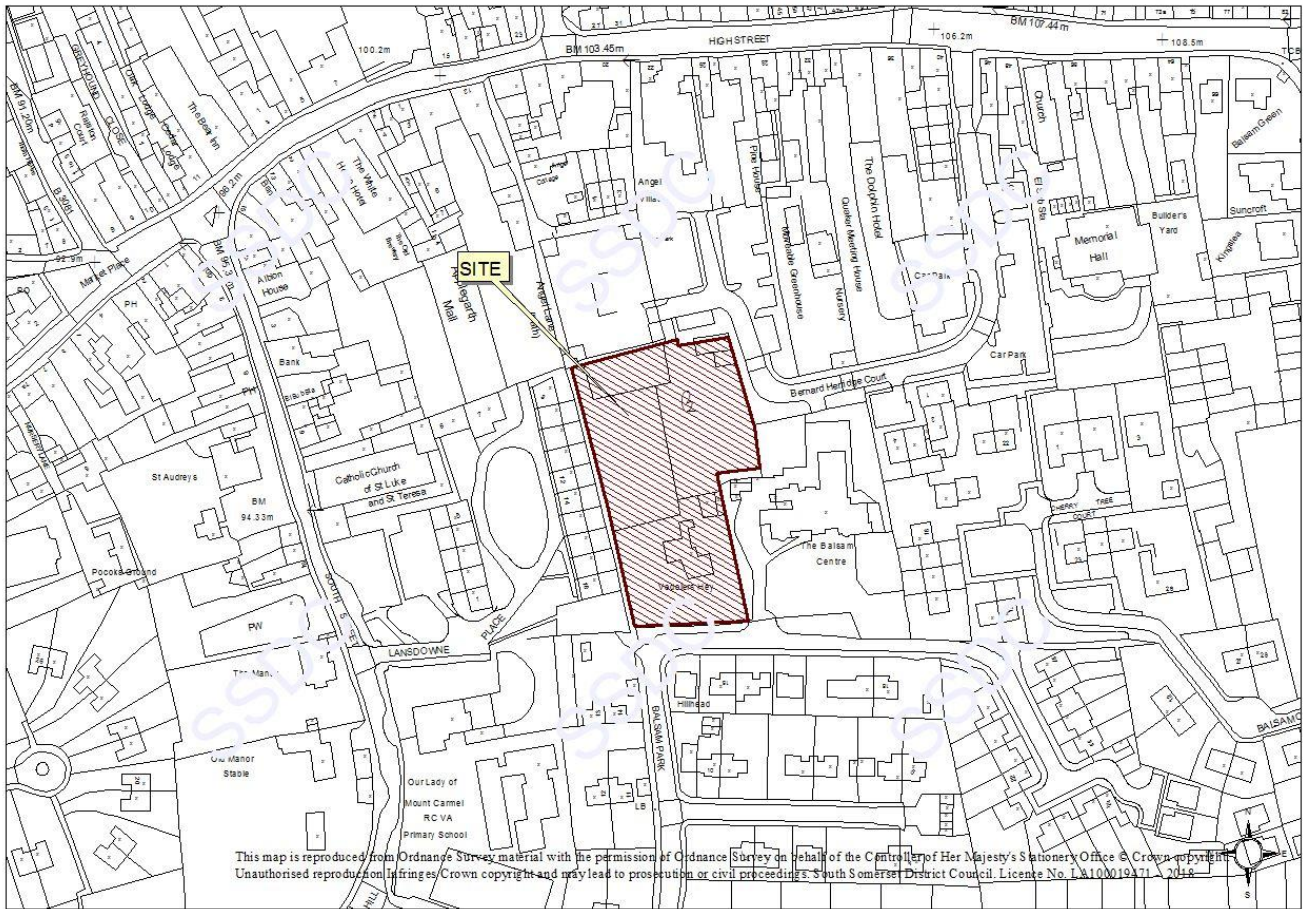


Officer Report On Planning Application: 18/01174/DPO

Proposal :	Application to vary S106 agreement dated 31st March 2017 between SSDC, Somerset County Council, Caroline Anne (otherwise Annie) Melville Boxall and Annie Margaret Nora Melville Elcomb (Deceased) acting through Executors to vary affordable housing contributions.
Site Address:	Vedellers Hey Balsam Park Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	7th June 2018
Applicant :	Stonewater 2 Limited
Agent: (no agent if blank)	Clarke Wilmott LLP Blackbrook Gate Blackbrook Park Avenue Taunton TA1 2PG
Application Type :	Non PS1 and PS2 return applications

The application is before the committee, in line with the agreed practice, as it seeks to materially vary the amount or nature of a financial contribution that is secured through a section 106 agreement.





SITE DESCRIPTION AND PROPOSAL

This application is seeking to modify a section 106 agreement between South South Somerset District Council, Somerset County Council, Caroline Anne (otherwise Annie) Melville Boxall, and Annie Margaret Nora Melville Elcombe (deceased) acting through executors, dated 31st March 2017, which is an agreement relating to the following planning permission:

15/00288/OUT - Proposed demolition of existing dwelling and erection of up to 15 dwellings - Application permitted with conditions 31/03/2017

The legal agreement covers securing affordable housing, sports and recreation contributions, public open space, and education contributions.

The proposal seeks retrospective permission to vary the section of the agreement that deals with affordable housing. It seeks to vary the agreement by replacing the agreed affordable housing mix of sixty-seven percent social rented dwellings and thirty-three percent intermediate housing (e.g. shared ownership dwellings) with one hundred percent of the affordable housing as rent-to-buy dwellings.

RELEVANT HISTORY

17/04588/REM - Application for reserved matters following approval of 15/00288/OUT to include details of accesses, appearance, landscaping, layout and scale - Application permitted with conditions 20/04/2018

15/00288/OUT - Proposed demolition of existing dwelling and erection of up to 15 dwellings - Application permitted with conditions 31/03/2017

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EQ2 - General Development

Policy HG3 - Provision of Affordable Housing

National Planning Policy Framework

Paragraphs 203-206 - Planning Conditions and Obligations

CONSULTATIONS

SSDC Strategic Housing - No objections to the proposed variations

REPRESENTATIONS

None

CONSIDERATIONS

Unfortunately, the proposed changes to the section 106 agreement have already been carried out by deed of variation under the instruction of the SSDC Strategic Housing Department. The SSDC Development Management Department was made aware of the proposed changes and, for some reason, did not raise an objection to the incorrect procedure being followed. The current application has been submitted in an attempt to retrospectively legitimise the proposed changes, in terms of the process followed. Therefore, whilst the views of members of this committee are sought, it is not possible to revoke the proposed changes, as they have already been affected.

The SSDC Strategic Housing Department has been consulted and has raised no objections to the proposed changes. Indeed, they were instrumental in effecting the proposed changes to the agreement.

The original scheme was compliant with policy HG3 of the local plan in that at least 35% of the dwellings would be affordable. There are no changes to the minimum percentage of affordable units to be provided on site. The local plan (para. 10.28) allows for the type and tenure of affordable housing to be negotiated on a site by site basis, taking into account contemporary information from the housing register and any local imbalances. In this case, the type and tenure has been renegotiated with the Strategic Housing Department, taking into account the above factors. Although the process followed was incorrect, the outcome is in accordance with the policies and supporting text of the local plan.

On this basis, the proposed changes to the agreement should have been allowed.

RECOMMENDATION

To note the modifications to the section 106 agreement between South Somerset District Council, Somerset County Council, Caroline Anne (otherwise Annie) Melville Boxall, and Annie Margaret Nora

Melville Elcombe (deceased) acting through executors, dated 31st March 2017, and to agree that the changes accord with policy HG9 and supporting text (para. 10.28) of the South Somerset Local Plan.
