

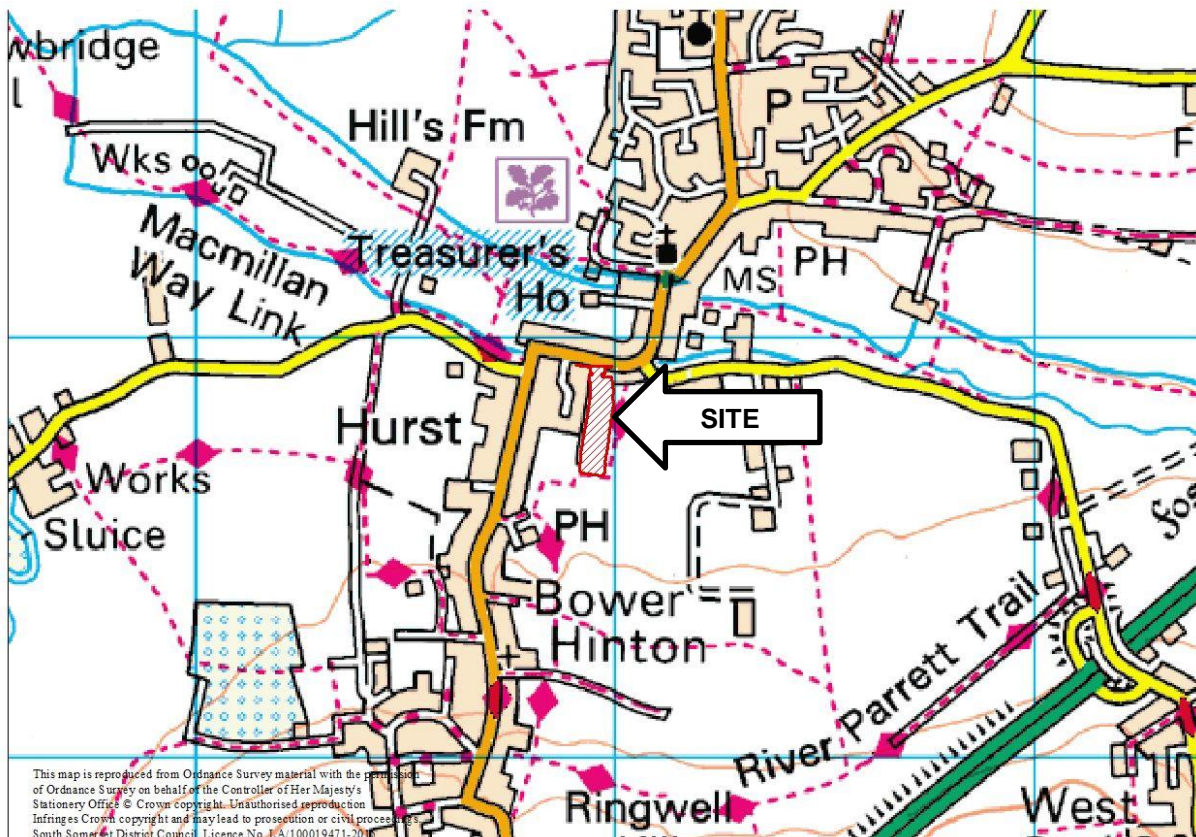
## Officer Report On Planning Application: 14/03171/DPO

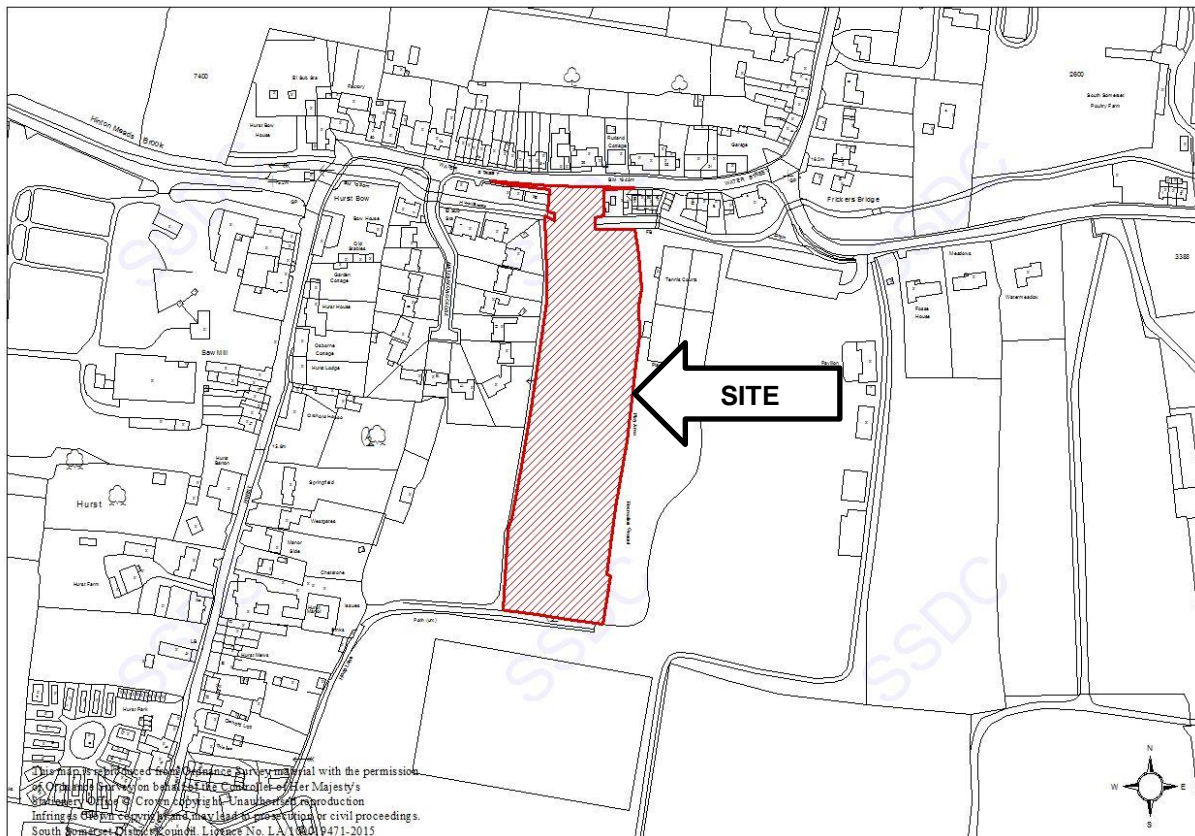
<b>Proposal :</b>	Application to Modify a Section 106 Agreement dated 20 May 2014 relating to housing development (GR: 345972/118927)
<b>Site Address:</b>	Ex Showroom/Garage & Land Rear Of Long Orchard Water Street Martock
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Graham Middleton Cllr Patrick Palmer
<b>Recommending Case Officer:</b>	Nick Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
<b>Target date :</b>	29th August 2014
<b>Applicant :</b>	Westco Properties Ltd
<b>Agent: (no agent if blank)</b>	Clarke Willmott LLP, Blackbrook Gate, Blackbrook Park Avenue, Taunton TA1 2PG
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as relates to a proposal to reduce planning obligations that were originally agreed by the Committee.

### SITE DESCRIPTION AND PROPOSAL





This proposal relates to a site where permission has been granted for the erection of 35 dwellings and a youth centre/pavilion with associated parking and site access arrangements, subject to a S106 agreement to deliver appropriate planning obligations. The site was a flat area of agricultural land and a former car show room separated by a stream. Most of the land was formerly used as a poultry farm. The construction of the houses has now started, although at the time of writing no conditions had been discharged.

It is proposed to vary the terms of the s106 agreement to:-

- Reduce the affordable housing from 12 to 10 units
- To vary the tenure of the affordable units from 67% rented / 33% intermediate to a 60/40 split.
- The insertion of a Mortgagee in possession (MIP) clause at the request of Yarlinton

The developer justifies these amendments on the basis of commercial viability and has provided a detailed breakdown of the scheme's finances. This has been considered by the District Valuer.

## RELEVANT HISTORY

12/04897/OUT: permission granted (21/05/14) for a mixed use development comprising 35 dwellings and site access arrangements (full details) and a youth centre and pavilion with associated parking (outline details, access, layout and scale). This permission as subject to a section 106 agreement that:-

- Secured a contribution towards off-site open space provision in lieu of on site POS,
- Secured a contribution towards strategic and local outdoor playing space, sport and

recreation facilities (£4,746.82 per dwelling).

- Ensured that 12 affordable homes in perpetuity.
- Ensured that the land necessary to enable the development of the pavilion and the proposed car park is ceded to the parish council, and a pedestrian and vehicular access to the site from Water Street is fully constructed prior to the occupation of any of the approved dwellings.
- That a travel plan is agreed with Somerset County Council.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are 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 saved policies of the South Somerset Local Plan 2006. On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 – 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation" and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

The policies of most relevance to the proposal are

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

HG3 – Provision of Affordable Housing

SS6 – Infrastructure Delivery

### **Saved policies of the South Somerset Local Plan (Adopted April 2006):**

ST10 – Planning Obligations

HG7 - Affordable Housing

### **National Planning Policy Framework**

Chapter 6 - Delivering a Wide Choice of High Quality Homes

## **CONSULTATIONS**

**Martock Parish Council** – no objection, but note that whilst there is a need for a 4 bed dwelling, only one 2 bed unit should be removed to make way for it.

**SSDC Housing Officer** – originally raised concern about the reduction in affordable housing and changes to tenure, however these concerns were subject to the viability of the proposal being investigated. Subsequently it has been confirmed that no objection is raised.

**District Valuer** – confirms that the scheme would not be financially viable if it is to provide the agreed S106 sums. It is suggested that a time scale for delivery is agreed, which, if not met, triggers a further viability review.

## **REPRESENTATIONS**

One letter has been received objecting to the youth/community centre and raising concerns about traffic and flooding

## **CONSIDERATIONS**

The sole issue is whether or not it would be reasonable to insist on maintaining the previously agreed level of planning obligations in light of the case the applicant now makes and the advice offered by the District Valuer (DV).

Whilst the original agreement covered a range of obligations the applicant has sought to vary only the affordable housing component. Neither the proposed reduction from 12 to 10 units or the changes to the tenure mix would unacceptably undermine the provision of affordable housing in Martock. These changes have been considered to be financially justified. Although the leisure contributions could be varied, the applicant has not sought to do so, and it is noted that the introduction of a needed 4 bed unit is welcomed by the Parish Council. The loss of 2 two-bedroom units is not considered objectionable in principle given the advice of the DV and the addition of a MIP at the request of the affordable housing provider clause does not give rise to any planning concerns.

DV's suggested further viability review is noted, however given that construction has already commenced it is considered unlikely that this development of 35 houses would take so long that it would be necessary to add such a trigger point.

### **Other Matters**

Whilst a local resident remains concerned about the impacts of the development, planning permission has been granted for the scheme and it is not considered that the proposed variation of the planning obligation would in any way change the impacts of the proposal.

### **Conclusion**

It is regrettable that the original, policy compliant planning obligations cannot now be delivered without adversely affecting the commercial viability of the scheme. Government advice and emerging policy HG3 are clear that it is unreasonable to resist a reduction in affordable housing provision where that has been justified by an open book submission in accordance with policy SS6.

## **RECOMMENDATION**

That the Section 106 agreement be amended as requested.

### **Justification:**

The revisions to the affordable housing provision, for which a financial justification has been made, would not unacceptably undermine the benefits to the community of this development. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

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