

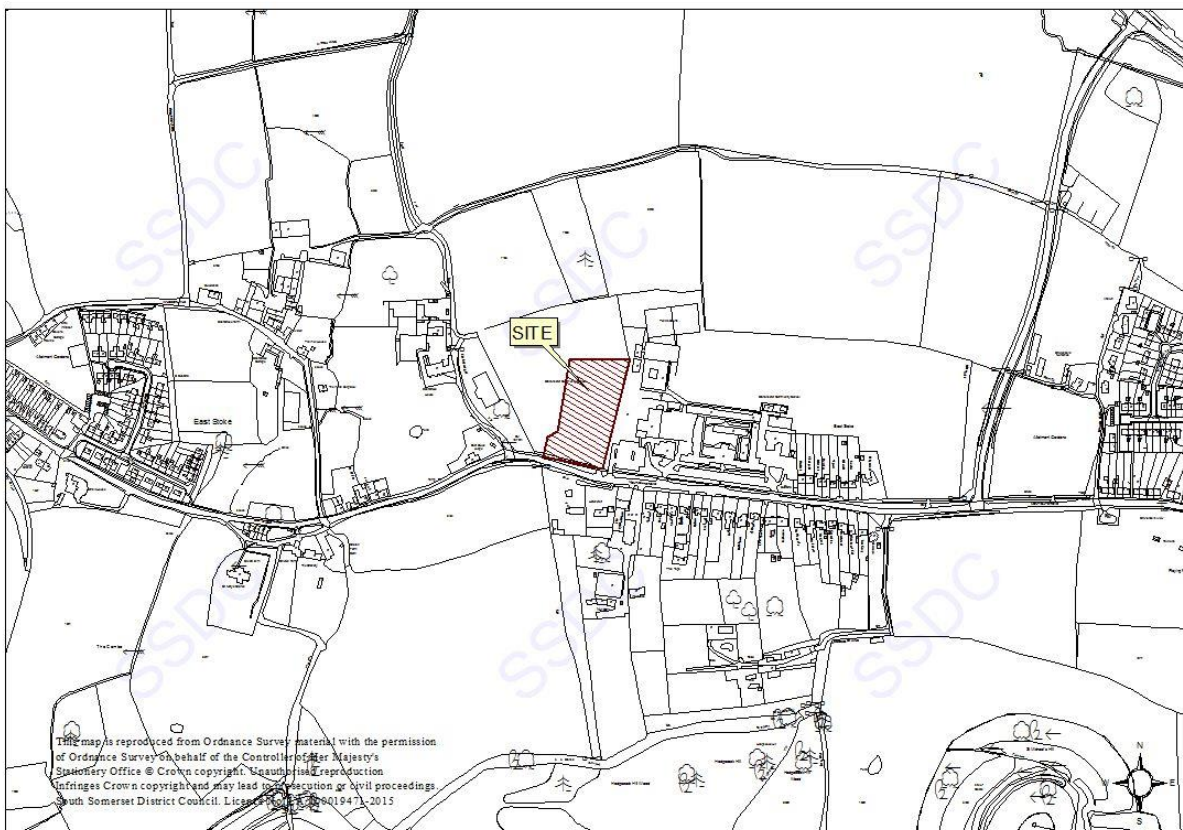
## Officer Report On Planning Application: 17/02732/DPO

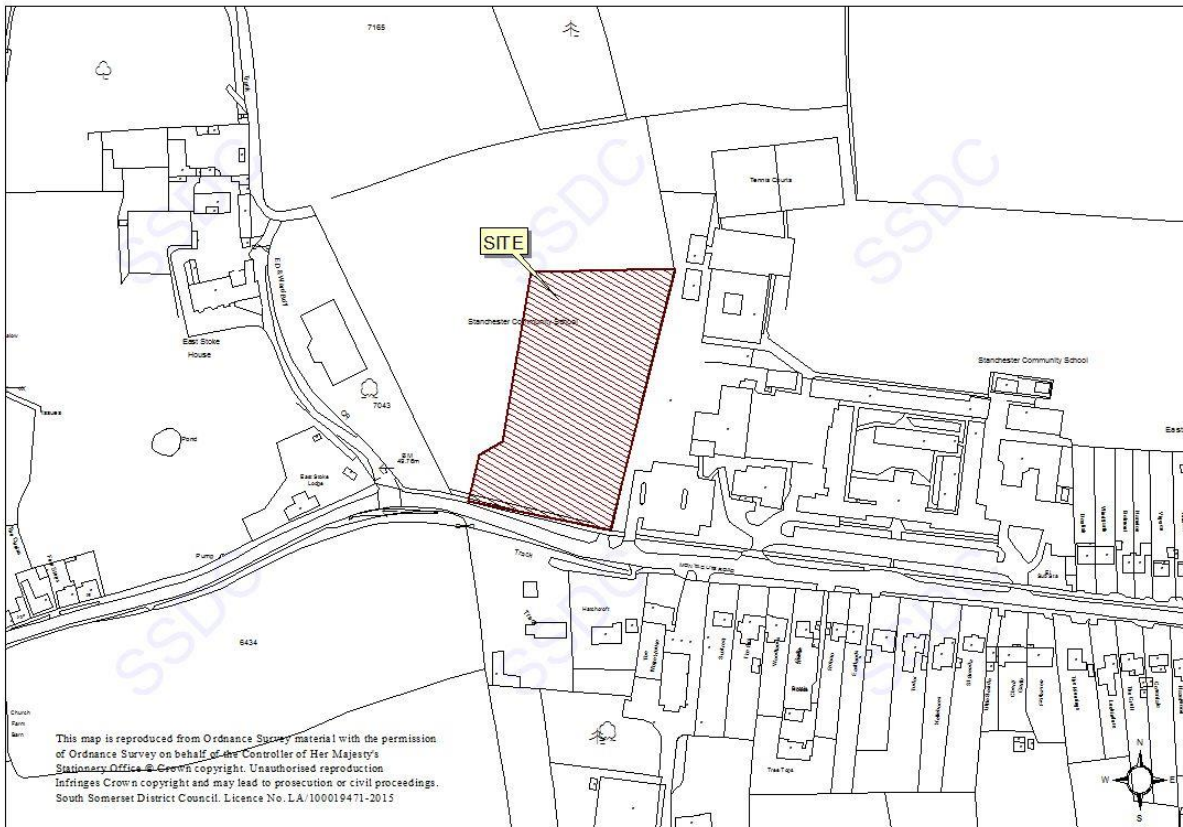
<b>Proposal :</b>	Application to vary S106 agreement between South Somerset District Council and Melanie Anne Quantock Shuldham dated 11th July 2014 relating to affordable housing.
<b>Site Address:</b>	Land West Of Stanchester Academy Montacute Road East Stoke
<b>Parish:</b>	Stoke Sub Hamdon
<b>ST MICHAELS Ward (SSDC Member)</b>	Cllr Jo Roundell Greene
<b>Recommending Case Officer:</b>	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
<b>Target date :</b>	10th August 2017
<b>Applicant :</b>	Arc Homes Ltd
<b>Agent: (no agent if blank)</b>	Emma Blunt Quattro Design Architects Ltd Matthews Warehouse, High Orchard Street Gloucester Quays Gloucestershire GL2 5QY
<b>Application Type :</b>	Non PS1 and PS2 return applications

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee as it seeks to discharge the financial and affordable housing obligations within the S106 Agreement relating to Planning Approval 13/03622/FUL.

### SITE DESCRIPTION AND PROPOSAL





This application site is situated immediately to the west of Stanchester Academy, a secondary school, but is some distance from the nearest designated development area (approximately 1.1km to the west of the site). There are a number of facilities in close vicinity to the site including a sports centre within the Stanchester Academy grounds, a grocery store and is located on a bus route.

The site is adjacent to East Stoke conservation area and East Stoke House, East Stoke Lodge and Lodge Gates, all grade II listed, a short distance to the west. The site is situated just to the east of an area of high archaeological potential and relatively close to a number of archaeological features including two Scheduled Ancient Monuments, (SM) Hamdon Hill Camp and Montacute Castle, and another area of high archaeological potential which covers much of the escarpment to the south and the village of Montacute to the east.

This DPO (Discharge of Planning Obligation) Application has been made to vary the S106 agreement to discharge the planning obligations requiring the provision of 6 affordable housing units on site and the requirements to pay the financial contributions for the provision of off-site play, recreation and leisure facilities amounting to £110,213.65.

## HISTORY

17/02535/DOC (Discharge of Conditions) - Discharge of Condition 4 of approval 16/04851/S73

16/04851/S73 - Variation of conditions of 13/03622/FUL. Application permitted with conditions.

15/05495/S73 - Application to vary conditions of 13/03622/FUL. Application permitted with conditions.

13/03622/FUL - Erection of 18 dwellings and associated works including a new vehicular access, parking, open space and landscaping. Application permitted with conditions.

## **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)**

SS6: Infrastructure Delivery

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

HG3: Affordable Housing.

### **National Planning Policy Framework**

Paragraphs 203 - 205 - Planning conditions and obligations

### **Other Relevant Considerations**

Process for Developers to follow if they wish to vary/amend an S106 - District Executive April 11

## **CONSULTATIONS**

### **Stoke Sub Hamdon Parish Council:**

The Parish council strongly object to this application to vary the S106. When Arc Homes purchased the site they were well aware of the commitments and obligations it had to the community and its development under the original planning application. The Parish Council cannot support a planning policy that allows developers to vary planning conditions based on the retrospective viability of the site and the developers guaranteed profitability. In essence this policy reflects badly on planners as it appears as though they are in effect underwriting the developers profitability at the expense of the community. Political pressure on planners to meet building targets cannot be seen to override good planning practice; this is not in the long term interest of the local community. We feel it is up to planners themselves to stand firm where they are being asked to support bad policy.

### **Montacute Parish Council:**

Montacute Parish Council strongly object to the developers application to vary the S106. The developer must be made to realise that they have a commitment to the community and should not be allowed to remove affordable/social housing from the development. We are seeing this happen too often and therefore urge the planners to reject this application and force the developer to comply with the original approved plan.

### **Leisure Policy Co-ordinator:**

I have read the application for a DPO to discharge the leisure and affordable housing obligations for this development.

With regard to the leisure obligations that are secured through the signed S106, it is a great shame if these will no longer be secured as there are several active projects being progressed in Stoke sub Hamdon.

These include developments at Stoke Recreation Ground for an adventure playground and floodlighting a grass training area as part of the 5 year plan for the Recreation Ground. There is also a project by the parish council to purchase the Methodist Church to provide a new community centre.

Due to the proximity of the site to Montacute, when we responded to this application in 2013, potential projects were also identified for Montacute, however these are not at a position to be progressed at the moment, so the priority would be to still secure any contributions from this application towards the active projects in Stoke sub Hamdon.

**Ward Member:** I like this to come to committee please so that members can discuss the 106 agreement.

**Area Development North:** No comments received.

**Strategic Housing:** No comments following receipt of DV report.

## **REPRESENTATIONS**

Written representation has been received raising the following comments and concerns:

I was very disappointed to see that Arc Homes are wanting to change the S106 agreement to the detriment of the local community. They knew what the S106 requirements were when the agreement was signed three years ago, and they should be obliged to honour those commitments. Stoke sub Hamdon needs more affordable housing, and to create another development of mainly large houses in the village will not help the local people who need smaller properties. The leisure obligations should also remain: it is not fair if developers are permitted to 'move the goalposts once the game is under way'.

## **CONSIDERATIONS**

The application is made to vary the S106 agreement dated 18th July 2014 to discharge the requirement to provide 6 affordable housing units on site and to pay financial contributions for the provision of off-site play, recreation and leisure facilities amounting to £110,213.65 relating to planning approval 13/03622/FUL on the grounds of viability.

Confidential financial information has been submitted and the information has been assessed by the independent District Valuer (DV) at the applicant's expense.

The DV's opinion is that this scheme is unable to make the obligation package secured through the planning scheme 13/03622/FUL, however recommends a review mechanism in the s106 in case of improved market conditions during the course of the scheme.

Additional information received from the applicant: Further to our conversation, I write to confirm our proposal to provide some form of contribution to mitigate for the loss of the commuted sums anticipated for this site.

As you are aware it has been confirmed by the District Valuer that the development is unviable and that the contributions cannot be afforded. We therefore propose to work with our Knightstone Group to offer assistance with support in the community.

Knightstone's Community Empowerment team would be able to offer support to this new community in creating new connections between households and the local more established community and services. We can offer an asset based approach to community development, building on the strengths and assets of residents to create new associations, projects and solutions. Our South Somerset Community Empowerment Officer can be accessed to enable this work who in turn can offer investment routes into the teams Can Do budget as well as Knightstone's Community Improvement Fund (KCIF) with up to £300,000 of funds available to bid for. Working in partnership with our Officer, the new community and local agencies (such as Stonewater or Stanchester Community Secondary School) at East Stoke will be able to make proposals for investment together.

Through a 12 month period, East Stoke would benefit from access to our Community Empowerment (CE) Officer, the Somerset CE teams Can Do budget and KCIF, a proportion of which will be available subject to these new communities' ideas, energies and proposals.

We trust this shows our commitment to the village, and acknowledgment of our desire to be involved with the community.

The Government guidance and ability to reduce a contribution was introduced to allow much needed homes to be built. Local authorities were encouraged to review their requirements so that developers would commence or complete developments by reducing some of the financial burden. The scheme has commenced and is ongoing.

## **CONCLUSION**

It is acknowledged that members and the local community will be disappointed by this application, however the applicant has followed due process, and through an independent assessment from the District Valuer is able to demonstrate that the scheme is currently unviable and unable to make the obligations held within the S106 agreement.

## **RECOMMENDATION**

To approve the application and instruct the Council's Solicitor to modify the S106 agreement.

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