

## Officer Report On Planning Application: 13/00558/DPO

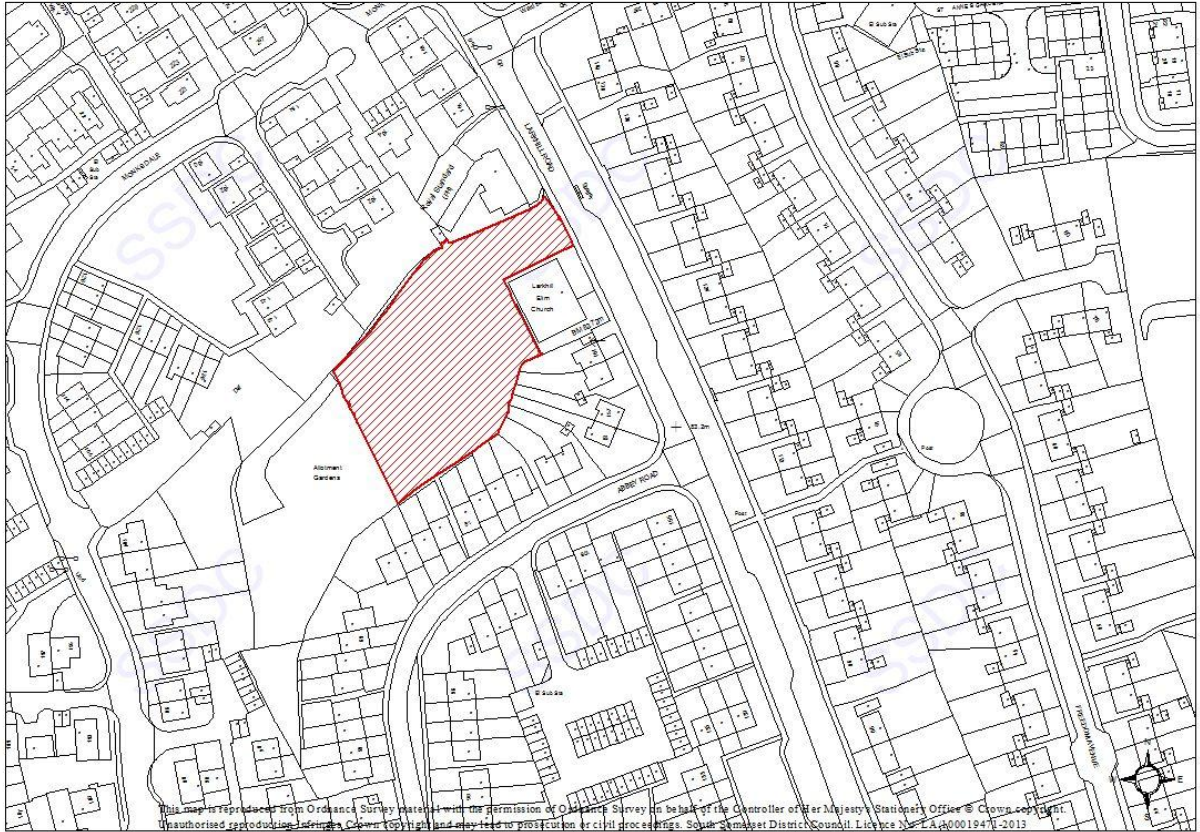
<b>Proposal :</b>	Application to discharge requirements to Strategic Sports contribution in relation to planning approval 09/02228/FUL (GR 355767/117164)
<b>Site Address:</b>	Larkhill Garage Site Yeovil Somerset
<b>Parish:</b>	Yeovil
<b>Yeovil (West) Ward (SSDC Member)</b>	Cllr T Carroll Cllr W Read Cllr I S Martin
<b>Recommending Case Officer:</b>	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
<b>Target date :</b>	5th April 2013
<b>Applicant :</b>	Mark Dillon
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	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 approval 08/05133/FUL

### Site Description and Proposal





The application site is located towards the northern end of Larkhill Road with the entrance to the site situated between the Royal Standard public house and the Elim Church on Larkhill Road. The original application 08/05133/FUL gained full planning permission for the alterations to modify existing access to form highway and demolish existing garages and no 163 Larkhill Road to erect 13 dwellings.

This DPO (Discharge of Planning Application) is made to vary the S106 agreement to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (08/05133/FUL) on the grounds of financial viability.

The payments towards all local play, open space, youth and off-site recreation have been made.

## HISTORY

08/05133/FUL: Planning permission for the alterations to modify existing access to form highway and demolish existing garages and no 163 Larkhill Road to erect 13 dwellings.

## POLICY

ST10 (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".

## **CONSULTATIONS**

The following bodies/individuals have been consulted:

Yeovil Town Council:

YTC meeting 29th July, Verbal update to be given.

Ward Members:

No comments received to date.

Area Development Manager (South):

Verbal acceptance in line with the Council's Policy

Strategic Housing Manager:

No objection to the application.

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 31st July 2009 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (08/05133/FUL) on the grounds of financial viability.

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

The scheme subsequently provided 100% affordable housing.

A play equipment contribution of £17,265 has been received from the developer.

An open space contribution of £8,228 has been received from the developer.

A youth facilities contribution of £5,824 has been received from the developer.

An off-site leisure contribution of £18,590.76 has been received from the developer.

Contributions received are to be spent/have been spent locally on projects at Monks Dale play area or within a close proximity of the site, as detailed within the agreement.

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 (£15,859). 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.

This 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.

## **RECOMMENDATION**

1. To approve the discharge of the specific strategic contributions from the planning obligation dated 31st July 2009.
  2. To instruct the Council's Solicitor to modify the S106 agreement.
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