

**Officer Report On Planning Application: 13/00564/DPO**

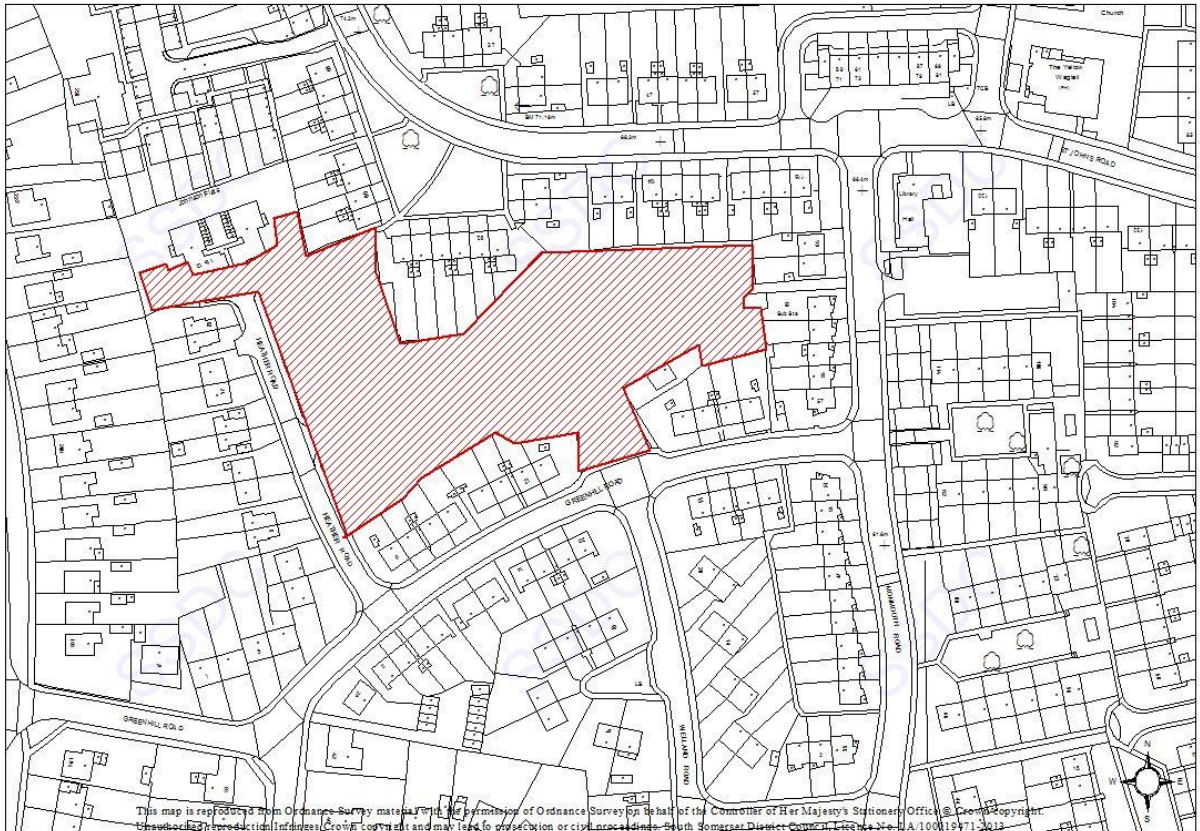
<b>Proposal :</b>	Application to discharge requirements to Strategic Sports contribution in relation to planning approval 09/02228/FUL (GR 355767/117164)
<b>Site Address:</b>	Land At Greenhill Road Yeovil
<b>Parish:</b>	Yeovil
<b>Yeovil (East) Ward (SSDC Member)</b>	Cllr D Recardo Cllr T Fife Cllr T Lock
<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 planning approval 09/02228/FUL

**Site Description and Proposal**





The application site is a parcel of land situated between Monmouth Road to the east, Greenhill Road to the south and Heather Road to the west. The original application 09/02228/FUL gained full planning permission for the demolition of 20 existing dwellings and garages the erection of 38 new dwellings with associated access, parking and landscaping. The scheme is now fully completed and occupied.

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 (09/02228/FUL) on the grounds of financial viability.

The payments towards all local play and off-site recreation have been made.

## HISTORY

09/02228/FUL: For the demolition of 20 existing dwellings and garages the erection of 38 new dwellings with associated access, parking and landscaping.

## 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 22ND December 2009 to discharge the requirement to pay the Strategic Leisure Contributions relating to the planning approval (09/02228/FUL) on the grounds of financial viability.

The S106 agreement secured the provision of Affordable Housing & contributions of off-site sport and leisure facilities.

The scheme subsequently provided 100% affordable housing.

A play equipment contribution of £23,666.41 has been received from the developer.

An off-site recreation contribution of £31,251 has been received from the developer.

A youth facilities contribution of £8,070.59 has been received by the developer.

Contributions received are to be spent/have been spent locally on projects at Milford Park and Birchfield Recreation Ground, 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 (£22,308). 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 22nd December 2009.
  2. To instruct the Council's Solicitor to modify the S106 agreement.
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