

**Application Number: F/YR14/0225/PLANO**  
**Parish/Ward: Benwick/Benwick, Coates & Eastrea**  
**Date Received: 11 March 2014**  
**Expiry Date: 6 May 2014**  
**Applicant: Mr S Lee, Taylor Wimpey East Anglia**  
**Agent: Mr L Bevens, L Bevens Associates Ltd**

**Proposal: Modification of Planning Obligation attached to planning permission F/YR05/0088/F to replace the requirement for play equipment with a payment of £50,400 for off-site provision.**

**Location: Land East of 13 Doddington Road, Benwick, Cambridgeshire**

Reason before Committee: This proposal is before the Planning Committee due to the Original Section 106 Agreement being agreed at Planning Committee previously

## 1. EXECUTIVE SUMMARY/RECOMMENDATION

The application seeks to modify the existing Planning Obligation dated 29 March 2006 tied to planning permission, F/YR05/0088/F for the residential development now known as 'Heron Way' in Benwick.

The proposed change to the Planning Obligation would replace the requirement for on-site play equipment with a financial payment of £50,400 for off-site provision.

The change is required due to services being laid directly beneath the open space where the originally planned play equipment was to be installed.

Having considered all the matters raised, it is recommended that a Deed of Variation is accepted.

## 2. HISTORY

Of relevance to this proposal is:

2.1	F/YR05/0088/F	Erection of 47 dwellings comprising of 6 x 4-bed houses, 13 x 3-bed houses, 18 x 2-bed houses, 6 x 2-bed flats, 4 x 1-bed flats with garages and associated roads	Granted 3 <sup>rd</sup> April 2006 - Committee
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## 3. PLANNING POLICIES

### 3.1 Fenland Local Plan 2014

LP1: A Presumption in Favour of Sustainable Development

LP3: Spatial Strategy, The Settlement Hierarchy and the Countryside.

LP16: Delivering and Protecting High Quality Environments across the District.

### 3.2 SPG: Play Space Provision (2003)

#### 4. CONSULTATIONS

- 4.1 ***Benwick Parish Council:*** No objections raised on the condition that the monies are payable to Benwick Parish Council in order to support similar provisions in another location with the parish boundary.
- 4.2 ***FDC Open Spaces Manager:*** No comments received.
- 4.3 ***Local Residents:*** 1 email received expressing that there is a requirement for play equipment on the site. There has been an increase in children living within the development who would benefit from it and it was something promised when the house was sold.

#### 5. PLANNING ASSESSMENT

- 5.1 This proposal seeks to modify the existing Planning Obligations dated 29<sup>th</sup> March 2006 in relation to the residential development which is now completed and known as 'Heron Way' in Benwick which comprises 47 dwellings.

The development benefits from a small area (approximately 287m<sup>2</sup>) of open space located on land to the rear of the existing house at 13 Doddington Road, Benwick.

Due to where services have been laid out, it is no longer possible to install play equipment on the area of open space. The plans submitted with the application show that there is a 6 metre foul drainage easement strip running the full length and almost the entire width of the area of open space.

Accordingly the developer is seeking to provide a contribution of £50,400 in lieu of providing play equipment on the designated open space. This contribution has been worked out in full accordance with the Council's Supplementary Planning Guidance on Play Space Provision (December 2003) and meets the aspirations of criteria (g) of Local Plan Policy LP16.

The Parish Council are already in dialogue with the Council and the community regarding plans for the existing play park area along High Street in Benwick and it is expected that the contribution provided here will assist with the delivery of these plans.

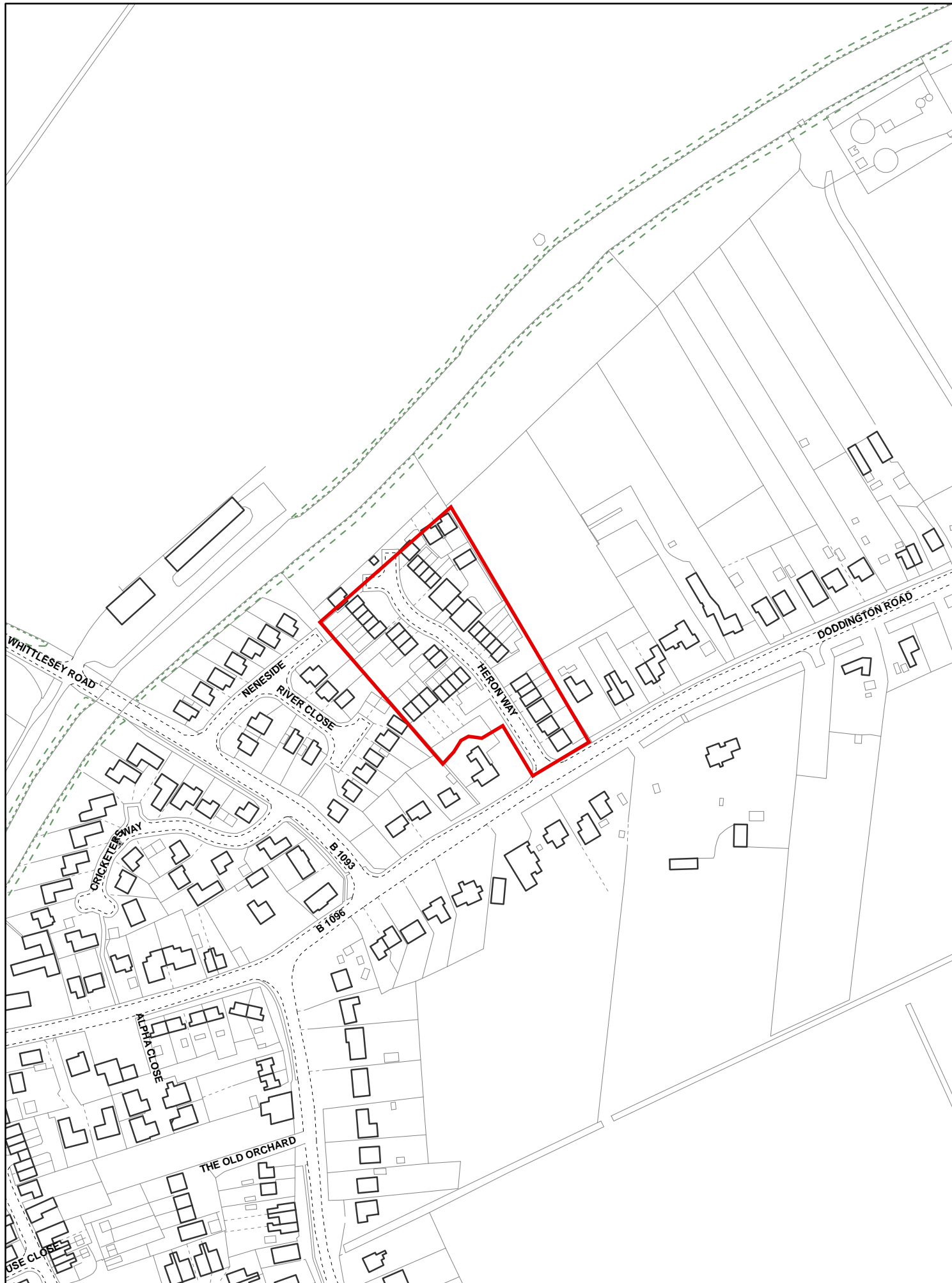
#### 6. CONCLUSION

- 6.1 The application has been given due consideration and accordingly approval is recommended to accept the Deed of Variation.

## **7. RECOMMENDATION**

**It is recommended that the Deed of Variation be accepted as follows:**

- 7.1 Remove requirement to provide on-site play equipment and replace with a payment of £50,400 for off-site provision.**
- 7.2 This contribution to facilitate the provision of play equipment elsewhere within the village of Benwick on Parish/District Council owned land.**



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