

REPORT TO DEVELOPMENT CONTROL COMMITTEE

REPORT OF: Pat Reid Development Management Service Manager

REPORT NO: PLA 941

DATE: 21 August 2012

TITLE:	S12/0417/FULL-Outline planning application for the erection of five dwellings (extension of time). High Street, Billingborough	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	N/A	
CONTACT OFFICER:	Satu Pardivalla	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below Not applicable	Full impact assessment Required: Not applicable
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	N/A	

1. RECOMMENDATIONS

That determination of the planning application be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman of the Development Control Committee to approve the planning application subject to the completion of the agreement.

Where the agreement has not been concluded prior to the committee a period not exceeding six weeks post the date of committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded and in the opinion of the Development Management Service Manager acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances that would justify a

further extension of time, the related planning application shall be refused on the basis that the necessary contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

2. PURPOSE OF THE REPORT

To make members aware of need for a legal agreement in relation to the new planning permission.

3. DETAILS OF REPORT

Outline planning permission for residential development on this site was granted on 25 February 2009 under Reference S09/0142, condition 6 of the permission restricted the numbers of dwellings to a maximum of five. This application (Ref S12/0417/OUT) is to extend the time limit of the previous consent. The application has to be considered against the policy requirement of the Core Strategy which now seeks to secure affordable housing, and the applicant was asked to confirm he was willing to enter a S106 agreement and provide heads of terms.

The applicant enquired about the possibility of any permission being conditioned to restrict the numbers of dwellings to four so that the affordable housing requirement is not triggered as the applicant was not happy with entering a S106 agreement.

There would be no planning reasons (in accordance with Circular 11/95) to impose a restrictive condition limiting the number of dwellings to four on a time extension application. Entering a S106 agreement on such an application would be the only means by which a local authority can secure the affordable housing policy requirement to cover the eventuality of a fifth dwelling being constructed. The applicants therefore agreed to enter into a S106 agreement to the effect that there would be no requirement for affordable housing if no more than four dwellings were going to be constructed, but affordable housing (or contribution) would be provided if five dwellings were to be built.

The application site and surroundings

The site is an open grassed area with a red brick/pantiled roof outbuilding on the south east corner. It is situated to the rear of 32 High Street and on the east side of West Road onto which the site fronts. There is a slight slope up from road level and the frontage is demarked by a 3 metre high hedge. The northern boundary has a 2.5 metre wall, and the eastern boundary has a 2 metre high fence and the southern boundary a mixture of wall and fencing. A bungalow is north of the site, a group of two storey dwellings to the south and a Co-Op store and flats to the east.

Relevant Site History

The principle of development on the site has been established by the two previous consents (S05/1626 on 18.01.2006 and S09/0142 on 25.02.2009). The previous outline planning permission was conditioned to restrict the numbers of dwellings to a maximum of five. This application (Ref S12/0417/OUT) is to extend the time limit of the previous consent.

Conclusion

The main issues outwith affordable housing in the consideration of this application are as before: the principle of the development, the impact on the surrounding area, on the residential amenities of neighbours and on road safety.

Billingborough is identified as a local service centre where the principle of development of the site is acceptable. The site could potentially be developed for up to five dwellings, and the developer has agreed to enter into a section 106 to provide affordable housing (or an appropriate contribution) if more than four units are provided as required by the Core Strategy. The principle of development on the site has been established by the two previous consents (S05/1626 on 18.01.2006 and S09/0142 on 25.02.2009).

Two storey development would be in keeping with development of the surrounding area. Impact on the street scene and residents will be safeguarded at reserved matters.

It is considered that the proposals comply with National and Local Planning Policy and it is recommended that planning permission be granted subject to the completion of the legal agreement securing affordable housing requirements of the Core strategy..

4. OTHER OPTIONS CONSIDERED

None

5. RESOURCE IMPLICATIONS

No significant impact on resources

6. RISK AND MITIGATION

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
2	Legal agreement required to provide affordable housing/contribution.

7. ISSUES ARISING FROM IMPACT ANALYSIS

Relevant impact addressed in Section 3.

8. CRIME AND DISORDER IMPLICATIONS

It is considered that the development would not result in any significant adverse crime and disorder implications.

9. COMMENTS OF FINANCIAL SERVICES

The S106 officer will need to ensure any monies due are collected at the relevant activation points from the developers and utilised appropriate in accordance with the agreements in place

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The threshold for affordable housing contribution is 5 dwellings or more. Noting condition 06 on restricting the number of dwellings to a maximum of 5, it will be necessary to enter into a S106 agreement to secure affordable housing contribution in the event that 5 dwellings are constructed on the application site.

11. COMMENTS OF OTHER RELEVANT SERVICES

12. APPENDICES:

Planning submission can be viewed via the following link:

<http://www.southkesteven.gov.uk/index.aspx?articleid=2230&ApplicationNumber=S12/0806>