

# REPORT TO DEVELOPMENT CONTROL COMMITTEE

**REPORT OF: Pat Reid Development Management Service Manager**

**REPORT NO: PLA 937**

**DATE: 21<sup>st</sup> August 2012**

<b>TITLE:</b>	S12/0567 - Revision of dwelling type to include a sun room. 5 Windmill Close, Deeping St James	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	N/A	
<b>CONTACT OFFICER:</b>	Alan Harvey	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
<b>Equality and Diversity</b>	Not applicable	Not applicable
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	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 a deed of variation to the Section 106 Agreement attached to the original outline planning permission.

## **2. PURPOSE OF THE REPORT**

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

## **3. DETAILS OF REPORT**

The approved plans under an extant reserved matters scheme provide for the erection of a substantial 'L-shaped' two storey dwelling on Plot 5 of a 14 No. dwelling scheme on Windmill Close. This full application for a revised house type effectively proposes the erection of a sun room extension to the rear elevation of the approved dwelling. The proposed sun room, which incorporates a pitched roof, has a depth of 3.3 metres and a width of 7.4 metres. The sun room has a maximum height above ground level of 4.0 metres.

### **The application Site and its Surroundings**

The new property at No. 5 Windmill Close occupies a position in the south-eastern corner of the approved development of 14 No. dwellings and is adjoined to the south by the rear garden area of No. 67 Broadgate Lane and to the west by No. 21 Churchfield Close. There is mature planting along the boundaries to the rear garden area of No. 5 Windmill Close.

The reserved matters approval for the overall development site provides for the erection of two storey dwellings with a mix of detached and semi-detached dwellings. There is also a row of three terraced properties proposed at the entrance to the site. A footpath link has been included from the site to the public open space to the west on Churchfield Close. The overall site is approximately 0.52 hectares in size

### **Site History**

S10/1076 - Outline approval for the erection of 14 No. dwellings on 14 January 2011.

S11/0227 - Reserved matters scheme approved on 10 May 2011.

### **Developer Contributions**

The outline approval of January 2011 was subject to a Section 106 Legal Agreement in relation to an off-site affordable housing payment and open space provision and maintenance. The affordable housing contribution has been paid.

### **Conclusion**

The principle of the erection of a two storey dwelling on this plot has been established and there are no objections raised by the County Highway Authority on highway safety grounds. Accordingly, it is considered that the key issues relate to the impact on residential and visual amenities.

The principal dwelling remains as proposed under the approved reserved matters scheme. As such, essentially it is the additional impact of the proposed sun room that it is being assessed in relation to the current submission. In this respect, it is considered that the scheme by reason of its scale and the screening provided by the

existing boundary treatments would not have a significant overbearing, overshadowing or overlooking impact on the adjoining properties. In terms of its visual impact, given the siting of the sun room to the rear of the property it would have a limited impact on the streetscape. The design of the sun room, nevertheless, respects the character of the host dwelling and the surrounding properties.

Accordingly, the development is recommended for approval with conditions and subject to a deed of variation to the Section 106 Agreement attached to outline planning permission reference: S10/1076.

**Suggested Condition(s)**

- 1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

- 2. The revised dwelling type hereby permitted shall be constructed in the materials approved under reserved matters ref: S11/0227.

Reason: In the interests of the visual amenities of the locality.

- 3. Unless otherwise required by another condition of this approval the development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

- PL01 (dated 28/04/10) received on 5 March 2012
- PL02 Revision F received on 27 April 2012
- 1401/L14/01 Revision E received on 27 April 2012
- 1401/L14/02 Revision C received on 27 April 2012

Reason: To define the permission and for the avoidance of doubt.

**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 amended to ensure receipt of developer provisions for local community in relation to this replacement dwelling type scheme.

## **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**

There are no specific financial implications associated with this report but it is important to ensure any contributions due from the developer are collected.

## **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

The current application is for full planning permission for a substitute dwelling type in lieu of that approved in respect of the development authorised by outline planning permission ref: S10/1076 and reserved matters approval ref: S11/0227. It will be necessary for the applicant to enter into an addendum to a S106 agreement to ensure that the obligations contained in the S106 agreement attached to the original planning permission remain in full force and effect in respect of the current application.

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

N/A

## **12. APPENDICES:**

Planning submission can be viewed via the following link:

<http://www.southkesteven.gov.uk/index.aspx?articleid=2230&ApplicationNumber=S12/0567>