DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0750-19**	**Applicant:**	**Mr Robert Spenceley**
Proposal:	Proposed house and detached garage (outline H11-0124-18) - re-submission of H11-0104-19		
Location:	Plot Rear: 5 The Wentworths Long Sutton Spalding		
Terminal Date:	26th September 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application for a proposed house and detached garage on a plot to the rear of 5 The Wentworths, Long Sutton. The proposal is immediately adjacent to the defined settlement limits and the surrounding area is characterised by dwellings of a similar age and design.

Outline planning permission was granted to develop the site under reference H11-0124-18.

The proposal at ground floor level seeks to provide a snooker room, cinema, lounge, dining room, kitchen, utility, water closet, living area, shower room, boot room, storage room, boiler room and kitchenette. At first floor level four bedrooms, three en-suites, three dressing rooms, a laundry room, water closet and bathroom will be sited. The proposed three bay garage will contain an office, kitchenette and a boiler room on the ground floor. At first floor level a guest bedroom and en-suite will be sited. Proposed materials of construction are a Vanda Old Farmhouse facing brick with a contrast blue plinth and splash brick course at the base. The proposed roofing material is natural slate, with a shingle roof covering for the awning on the western elevation. The proposed materials are considered to be appropriate for the site.

The site will be bordered by a 2 metre high fence to the north, west and southern boundaries with 1.2 metre high post and rail fencing on the eastern boundary.

The resubmitted application is due to minor changes in the design of the property as shown in the original Reserved Matters application under reference H11-0104-19. The window colour and configuration has changed, with the snooker being slightly extended to allow greater room around the snooker table. These changes are considered to be minor in nature.

Site Description

The site is immediately adjacent to the defined settlement limits of Long Sutton to the rear of a private road called the Wentworths. There are open fields to the north and west, with dwellings to the south and east.

History

H11-1399-90

Full - Residential development including details of means of access - Approved - 14 February 1991

H11-0755-93

Full - Residential development including details of means of access (renewal of application H11/1399/90) - Approved - 21 September 1993

H11-0633-96

Full - Residential development inc. details of means of access. (Renewal of planning permission H11/0755/93) - Approved - 03 September 1996

H11-0180-99

Full - Proposed residential development (7 dwellings) including private carriageway and access - Approved - 07 May 1999

H11-0761-99

Section 73A - Continuation of planning permission without complying with condition 8 (fencing) - Approved - 22 September 1999.

H11-1013-04

Full - Proposed dormer window to front elevation - Approved - 17 September 2004.

H11-0826-10

Full - Proposed extension and alterations - Approved - 23 November 2010

H11-0124-18

Outline - Proposed house and detached garage - Approved - 17 April 2018.

H11-0104-19

Reserved Matters - Proposed house and detached garage (Outline application H11-0124-18) - Approved - 27 March 2019.

Consultation Responses

No responses received.

Planning Considerations

Principle of development / policies
Flood Risk

Principle of design / policies

Were this application to have been submitted as a new application then a policy of restraint would have been taken as the Local Planning Authority can now demonstrate in excess of a Five Year Housing Land Supply, with all of our housing policies therefore considered up to date. However, outline planning permission had already been granted prior to the adoption of the South East Lincolnshire Local Plan in March 2019 and this decision is still extant.

Flood risk

The site, as situated, is located within Flood Zone 3 of the Environment Agency's Flood Map for Planning. The latest Agency Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South Holland Strategic Flood Risk Assessment (2017) is therefore used as a basis to apply the sequential test. In this respect, the site is located within an area identified as "Danger to Most". However, it is not possible, consistent with wider sustainability objectives, for all new housing within the district to be delivered within an area of no risk and this is not the most severe category. It is considered that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the National Planning Policy Framework and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

If it is not possible to locate the development within an area of lower flood risk, the exceptions test should be applied. The NPPF and the PPG set out two elements to the Exceptions Test. First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing in sustainable locations within the district. In terms of the latter, the Environment Agency has recommended that the properties be two-storey and that finished floor levels (FFLs) be set at least 3.45m above Ordnance Datum. Flood resilient construction should also be incorporated within the development up to 300mm above finished floor level. This matter was conditioned at the outline stage of the site under reference H11-0124-18.

Conclusion

The minor amendments to the proposed design are not considered to materially impact the overall design. The scale and layout is considered to be appropriate for the site and does not materially impact the character of the dwelling or the surrounding area.

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11 and 17 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.