

Committee date 08/08/2023

Application No: 11/23/00018

Application Type: Full Planning Permission

Case Officer: Shanta Parsons

Registered Date: 15/02/2023

Expiry Date: 11/04/2023

Parish: Burnham & Highbridge

Division: Burnham Central

Proposal: Demolition of existing garages and storage, erection of 2no. semi detached dwellings, with associated parking.

Site Location: Land to the rear of, 9-11, High Street, Burnham On Sea, Somerset, TA8

Applicant: Mr S Scott



Committee decision required because

This application is referred to the area committee at the request of the Chair and/or Vice Chair to enable the issues raised by the previous elected member/s to be debated.

Background

The site is located within the built up mixed use area of the town and forms the rear part of the retail units that front the High Street. The site comprises of two, single storey garage/storage buildings within the rear yard which is accessed off a private, no-through road off Technical Street to the south. There are shops and upper floor flats to the west and to the east on the other side of the track, there are more residential properties. The northern most garage/shed has a dual-pitched roof and is rendered, the garage/shed to the south has a mono-pitched roof.

Planning permission was refused April 2022 for the erection of a two-storey building to accommodate two flats, on site of the existing outbuildings to be demolished due to the development resulting in an unacceptable level of overdominance and overshadowing of neighbouring occupiers and adverse impact on visual amenity.

This application is for a pair of two-bedroomed semi-detached houses sited centrally within the rear yard on site of the garage/sheds.

There would be two car parking spaces off the access track to the east and patio areas to the west of the proposed houses. The houses would be finished in brickwork and concrete roof tiles.

Relevant History

11/21/00064 Erection of two storey building containing 2no. flats with associated parking on site of existing outbuildings (to be demolished) - Refused

Supporting information supplied by the applicant

Planning, Design and Access Statement

Flood Risk Assessment, Sequential and Exceptions Test

Ecological Appraisal

Bat Scoping and Survey Report

Consultation Responses

Town Council – no objection

Ex-Ward Member, Cllr P Harvey: Objection

“I object this development on the grounds of overdevelopment. The proposed gardens are in fact patios and of similar size to a parking place. They are insufficient in size to provide a reasonable amenity space for the residents. The plot is only large enough for one property with a reasonable garden.”

Environmental Health: No objection

- Recommend condition regarding contamination

Somerset Highways – Standing Advice

Devon & Somerset Fire & Rescue Service – no objection

- Recommend means of escape and access for fire and rescue service to comply with Building Regulations

Somerset Ecology – No objection

- Recommend conditions regarding external lighting, control of site clearance and biodiversity enhancement.

Representations

None received

Most Relevant Policies

Sedgemoor Local Plan (2011-2032)

S2: Spatial Strategy for Sedgemoor

BH8: Burnham Town Centre

D1: Flood Risk and Surface Water Management

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D18: Retail Hierarchy

D20: Biodiversity & Geodiversity

D25: Protecting Residential Amenity

Community Infrastructure Levy (CIL)

The application is for residential development in Burnham & Highbridge where the Community Infrastructure Levy (CIL) is £52.28 per sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £8,080.58. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

Main Issues

Principle of Development

Policy S2 of the Local Plan sets the spatial strategy for Sedgemoor, identifying the key settlements within the district and provides a hierarchy of these to provide a basis for the distribution of development across the district.

Policy D18 of the Local Plan seeks to protect town centre uses and supports residential developments in such areas that do not harm the retail function and character and it's vitality and viability of the Town Centre. This is also supported by Policy BH8, which specifically relates to Burnham Town Centre. The application site is within the Development Boundary for Burnham on Sea, a settlement categorised as a Market Town by the policy. In order to deliver the most appropriate and sustainable pattern of development, the strategy seeks to focus development in the district's main towns, including Burnham on Sea. Due to the location of the proposal, it's considered that the principle of the development is acceptable and complies with Policies S2, BH8 and D18 of the Local Plan.

Visual Amenity & Design

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the buildings.

The mass of the building, being of two storeys in height will not appear unduly prominent and will be of an acceptable feature to the surrounding locale.

The proposed building will be positioned broadly in line with that of the existing two storey brick building to the north (rear of No. 15-17). There are examples of buildings sited close to the edge of the highway – the rendered building opposite the site (Potters Mews) and the part two, part three storey building to the south (Belmont Lodge). Street enclosure is clearly a character of this surrounding area.

The proposal will accord with the prevailing pattern of development and will appear as an acceptable feature within the street scene of this road to the rear of the high street and the removal of the existing outbuildings will represent a visual improvement on the street-scene as a whole.

Impact on Highway Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. A key objective of the policy is to ensure car parking and vehicle servicing at levels appropriate to the development and in accordance with the parking standards detailed within the Somerset County Council Parking Strategy. The Highways Officer has referred to their Standing Advice and that requires adequate parking to be provided taking into consideration the location of the site.

The existing site contains two detached garage buildings which are unused and in a poor state of repair. These have direct access onto the public highway.

Two car parking spaces would be provided for the two 2-bed dwellings and taking into consideration the location of the site being within the town centre, close to services and facilities, it is considered that one car space per dwelling is acceptable.

Impact on Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' and new development should deliver buildings that are "enjoyable to use". This is further supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and

living conditions of future occupants.

The previous application was refused on the basis of overdominance and overshadowing of neighbouring properties. The proposed building has been revised so that the footprint of the building takes into account the relationship with existing surrounding properties. The southern part of the building is set closer to the road than that of the northern, and the westward projection of it is to the northern part of the building. This is undertaken to minimise impact on the existing residential properties. The proposed parking is now to be sited to the front elevation of the proposed dwellings, and results in the building being set further back off the road frontage.

The existing first floor flat at No. 9 has one room which faces towards the application site at first floor level – this is a dual aspect room so will receive sufficient light from the northern aspect which is unaffected by this proposal. Given the nature of the existing ground floor use it is not considered that any aspect of this proposal would be unneighbourly, either in the form of causing loss of light, overshadowing nor would the proposal be overbearing in any way. The applicant proposes to obscure glaze the first floor window in the east elevation in flat 9 to window ensure the privacy of the existing occupiers of that flat as well as the occupants of the proposed dwellings.

As such, the proposal is not considered to have any adverse impact on residential amenity and accords with Policy D25 of the Local Plan.

Impact on Flood Risk

Policy D1 of the Local Plan states that when undertaking site-specific Flood Risk Assessments (FRA), regard should be had to the sources of flooding as detailed in Sedgemoor's Strategic FRA and any more recent mapping made available by the Environment Agency.

Where the Sequential Test is considered to be passed the vulnerability of the development must still be compatible with the Flood Zone, including application of the Exception Test (as required). A FRA must also demonstrate that the development will be safe over its life time and not increase flood risk

elsewhere, including addressing any residual flood risk and access/egress issues.

The application site is within the Settlement Boundary for Burnham on Sea, and for such locations, the Sequential Test is considered to be passed.

In respect of the Exception Test, the proposal is for two, two-storey houses with the bedrooms on the 1st floor. Therefore a safe means of refuge from flooding would be provided.

The erection of these dwellings would provide wider benefits to the community as the site lies within a sustainable location. Although modest in scale it will make a contribution to housing supply and will help to support the existing market town of Burnham and Highbridge.

The submitted Flood Risk Assessment states that Finished Floor Levels for the ground floor flat will be approximately 0.5m above existing ground level, but proposal would neither decrease nor increase the flood risk to the surrounding area and existing properties. The Flood Risk Assessment demonstrates that the development will be safe in the event of a flooding event.

It is considered that both the Sequential and Exception Tests are passed and as such, the proposal complies with Policy D1 of the Local Plan and Policy H3 of the Neighbourhood Plan.

Ecological Issues

Policy D20 of the Local Plan seeks for proposals to *contribute to maintaining and where appropriate enhancing biodiversity and geodiversity*.

The proposed development will result in the demolition of existing outbuildings. Following review with the Ecologist, a Bat Survey Scoping Report has been provided updating information on previous findings by Halpin Robbins from November 2021. The Ecologist is in agreement with the findings of the survey which found no signs of roosting bats or birds, and confirmed negligible roosting suitability of the outbuildings due to the disturbed nature of the site and inadequate thermal properties associated with the construction.

Appropriate conditions are required to ensure that the LPA fulfils its legal duty of strict protection of European protected species and as such the proposal complies with Policy D20 of the Local Plan.

Conclusion

The proposed development would have no adverse impact on the character of the area, highway safety, amenity of neighbouring residents, highway safety or ecology.

RECOMMENDATION

GRANT PERMISSION

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 If any contamination is found during excavations, the Local Planning Authority shall be notified immediately and where remediation is deemed necessary by the Local Planning Authority, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and then implemented in accordance with the submitted details.

Reason: To ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters and other receptors both onsite and offsite, in accordance with Policies D24 and D25 of the adopted Sedgemoor Local Plan (2011-2032).

- 4 Prior to the installation of external lighting, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will

be installed. Lux levels should be below 0.5 Lux. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy D25 of the adopted Sedgemoor Local Plan (2011-2032).

- 5 The dwelling(s) hereby approved shall not be occupied until measures for the enhancement and protection of biodiversity have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Such enhancement measures shall include:-
- a) A provision for roosting bats
 - b) A provision for nesting birds
 - c) An integrated bee brick

Once installed such features shall be retained at all times thereafter.

Reason: To safeguard and enhance biodiversity in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

- 6 No development shall take place above damp proof course level until details of the materials to be used on the external surfaces of the building hereby approved, to include windows, doors, walls and roof, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

Reason: In the interests of visual amenity in accordance with Policy D2 of the adopted Sedgemoor Local Plan (2011-2032).

- 7 Prior to the first occupation of any of the flats hereby approved, a flood evacuation plan will be submitted to and approved in writing with the Local Planning Authority including details of any early warning systems and rescue/evacuation routes. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: To reduce the risk to future users in accordance with Policy D1 of the adopted Sedgemoor Local Plan (2011-2032).

- 8 The development shall be carried out in accordance with the Flood Risk Assessment dated February 2023 submitted with this application.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policy D1 adopted Sedgemoor Local Plan (2011-2032).

- 9 The dwelling on Plot 1 hereby approved shall not be occupied until the first floor window in the east elevation of flat no. 9 High Street is fitted with obscure glazing and fixed shut in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority. The window shall remain as agreed for all times thereafter.

Reason: To safeguard residential amenity in accordance with Policy D25 of the adopted Sedgemoor Local Plan (2011-2032).

Schedule A

Site Location Plan Drg No. JSC/2605/22/04A

Existing Survey Drg No. JSC/2605/22/01A

Topographic Survey Drg No. 190709/1

Block Plan Drg No. JSC/2605/22/03A

Proposed Layout Plan Drg No. JSC/2605/22/22A

Proposed Floor Plan and Elevations Drg No. JSC/2605/22/21B

DECISION
