

**Committee date 10/10/2023**

**Application No:** 33/23/00021

**Application Type:** Outline Planning Permission

**Case Officer:** Amelia Elvé

**Registered Date:** 19/05/2023

**Expiry Date:** 13/07/2023

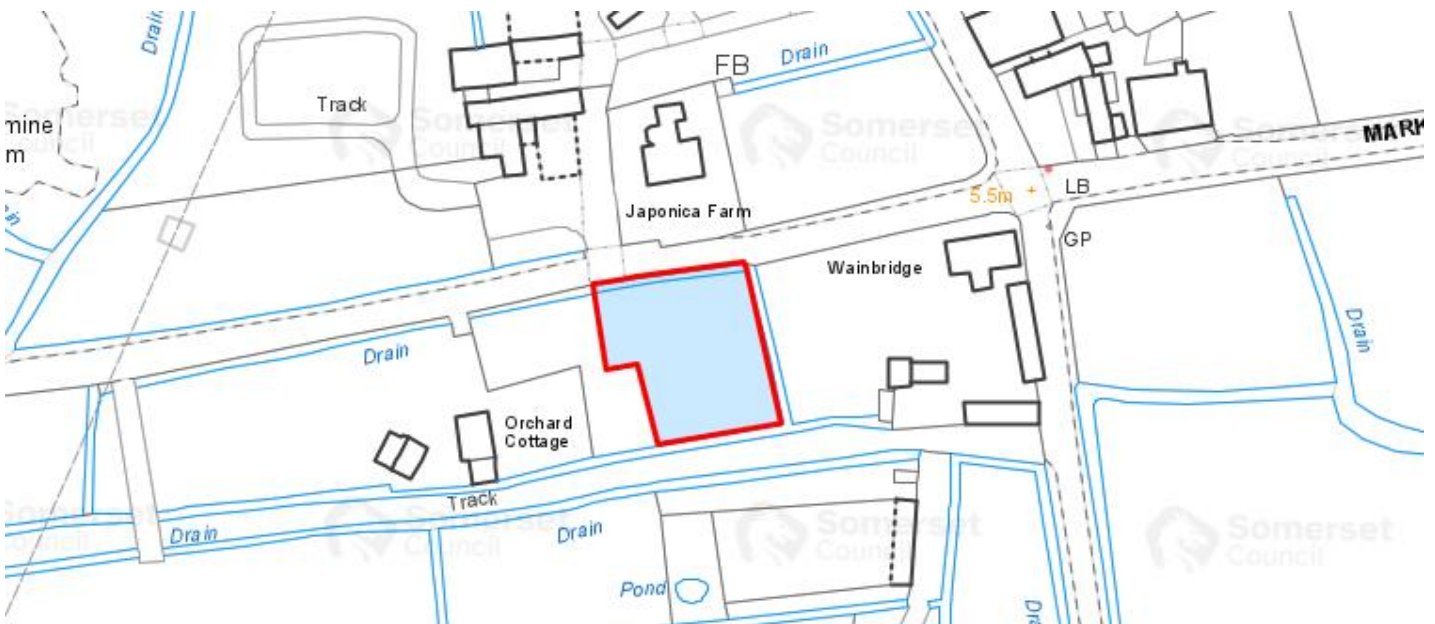
**Parish:** Mark

**Division:** King Alfred

**Proposal:** Outline planning permission, with all matters reserved, for the erection of 2no. dwellings.

**Site Location:** Orchard Cottage, The Causeway, Mark, Highbridge, Somerset, TA9 4QD

**Applicant:** Mrs Watts



**Committee decision required because**

*The view of the Parish Council is contrary to the officer's recommendation and this application is referred to the area committee at the request of the Vice Chair to enable the issues raised by the Parish Council to be debated.*

## **Background**

The application site is located to the south of a Class B road, and currently forms a part of the garden of *Orchard Cottage*, a Grade II listed building located to the west of the site. The land is currently served by an existing access onto the highway.

The application seeks outline consent, with all matters reserved, for the erection of two dwellings.

## **Relevant History**

**33/76/00005** – Formation of an access to the orchard - **Granted**

**33/77/00001** – Two storey extension – **Granted**

## **Supporting information supplied by the applicant**

Existing & Proposed Site Plans Drg No. TQRQM23048104104477

Existing & Proposed Block Plans Drg No. TQRQM23048104104477

## **Consultation Responses**

**Mark Parish Council** – Object

*The site is outside the development boundary for Mark Causeway.*

*No overriding need has been put forward for an exception to policy and the site is within the curtilage of a listed building.*

**Environmental Health** – No comment/observation

**SW Heritage** – No comment/observation

*There are limited or no archaeological implications to this proposal.*

**Internal Drainage Board** – Standing Advice

**Highways** – Standing Advice

**Civil Contingencies** – Comment recommending a Flood Warning and Evacuation Plan is created and maintained.

**Ecology** – Comment recommending appropriate mitigation and enhancement measures.

**Conservation Officer** – Comment

*This indicative proposal seeks outline approval that permits the use for the land to add two*

*structures. The structures as indicated within the Heritage statement are a considerable improvement to the previous proposal that had not fully embraced the potential harm that a pair of inappropriately modelled dwelling houses could impose upon the character of the locale and the setting to the two nearest listed buildings.*

### **Representations**

3 objections from 3 addresses, raising the following planning considerations:

- Detrimental impact on the adjacent listed building.
- Inadequate information provided as part of the application.
- Indicative design out of character with the surrounding area
- Loss of orchard and should contribute to the ecological value of the area.
- Unsuitable access onto the highway

### **Most Relevant Policies**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

#### National Planning Policy Framework July 2021

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

#### Sedgemoor Local Plan (2011-2032)

S2: Spatial Strategy

CO2: Infill Housing

D1: Flood Risk and Surface Water Management

D2: Promoting High Quality and Inclusive Design

D9: Self-Build Housing

D14: Managing the Transport Impacts of Development

D20: Biodiversity & Geodiversity

D25: Protecting Residential Amenity

## **Main Issues**

### Principle of Development

The application site is outside of any Settlement Boundary, and development in countryside locations is strictly controlled as set out in policy CO1.

Policy CO2 however allows for infill housing in the countryside, providing the criteria set out by the policy can be complied with.

In respect of the spatial criterion, the application site is located in close proximity to other residential properties, with dwellings sited in all directions. Additionally, the scale and nature of the development, based on the indicative plot size, would be appropriate to the character and identity of the existing community.

The criteria also requires the proposed dwellings to comply with the self-build policy D9. As this is an outline application, details of the future occupiers have not come forward, however policy have confirmed that there is a residual need for 6 plots from those with a local connection Mark and therefore the scheme is considered compliant.

Notwithstanding the plot is being considered as an infill, policy D9 permits self-build schemes that are outside of, but well related to, Tier 1-4 settlements. Mark is a Tier 3 settlement and the application site is considered to be well related to the settlement due to being sited less than 150m from the edge of the boundary.

As such, the principle of the development is considered to be supported by, and compliant with, policies CO2 and D9 of the Local Plan.

### Flood Risk & Surface Water Drainage

The application site is in Flood Zone 3. 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.

Policy D1 of the Local Plan seeks to ensure that the surface water run off generated from development is adequately assessed and does not result in a detrimental impact on the wider area and existing water courses.

The application site falls partly within Flood Zone and for sites outside of any Development Boundary, the alternative site search area is the entire Sedgemoor District Boundary unless a specific locational need can be demonstrated.

As the principle of the development is considered acceptable on the basis that the plots would be for self-builders with a local connection, the proposed dwellings therefore need to be within the parish of Mark, and well-related to the settlement boundary. The majority of the Mark parish area is within a Flood Zone, and the application site is therefore considered to pass the Sequential Test.

Considering the Exceptions Test, matters relating to flood resilience would be dealt with at Reserved Matters stage.

In respect of surface water drainage, the Internal Drainage Board consider *Standing Advice* to apply to this proposal. This requires the future built form to be appropriate distances from the bordering drains to allow for the maintenance of the watercourses. In addition to there being access from the other side of the drains, the proposed site is of an adequate size that would allow for the siting of the buildings to not undermine access to the drains.

It is considered therefore that the proposal would not result in an unacceptable development in Flood Zone 3, nor the adjoining waterways. As such, the application is considered to comply with policy D1 of the Local Plan.

#### Visual Amenity & Historic Environment

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 building.

Policy D26 sets out that development proposal should avoid harm to, sustain and, where appropriate enhance the significance of heritage assets and their setting, in a manner consistent with their historical significance.

This is an application for outline permission, with all matters reserved, and therefore the visual appearance of the proposed buildings would be considered at Reserved Matters stage.

Nevertheless, the proposed plot sizes are considered to be in keeping with the surrounding built environment. In respect of the adjacent listed building, the Conservation Officer has not raised an objection to the principle of dwellings in this location.

It is therefore considered that in this respect, the application complies with policies D2 and D26 of the Local Plan.

#### 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 application site is adequately distanced from existing properties to not result in a potential detrimental impact on neighbouring residents in respect of potential overdominance, overlooking or overshadowing.

In respect of future occupants, the size of the application site is considered to be adequate to allow for the proposed number of dwellings to have adequate external amenity space. Matters relating to internal amenity such as size of accommodation and adequate natural light will be assessed when reserved matters are submitted.

It is therefore considered that in this respect, the proposal would comply with policies D2 and D25 of the Local Plan.

#### Highways Safety

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The Highways Authority consider *Standing Advice* to apply to this proposal, and this requires the resultant development to be served by an appropriate level of off-road parking, space for turning and a safe access onto the highway network.

Whilst it is noted that access is a reserved matter, there is considered to be adequate land within the ownership of the applicant to provide an appropriately sized access to serve the properties. It is therefore considered that in this respect, the proposal comply with policy D14 of the Local Plan.

## Ecological Issues

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

DEFRA's MagicMap shows the application site to be a *Traditional Orchard*, however the submitted PEA shows that only three apple trees, of poor quality, remain. The trees are located along the southern boundary of the site and the appraisal refers to the trees as a *relict feature in a degraded condition*. The County Ecologist has recommended an appropriate condition to ensure that the existing trees, and other hedgerows, are protected. This offers more protection to the residual apple trees than current, as there are no restrictions on the removal of trees from Traditional Orchards.

The application has been accompanied with a Preliminary Ecological Appraisal. The Ecologist has reviewed the submitted details and has recommended appropriate conditions to ensure that there are adequate mitigation and biodiversity enhancement measures secured. As such, the application complies with policy D20 of the Local Plan.

## Conclusion

The principle of the application is considered to not result in an unacceptable impact on flood risk, surface water drainage, visual amenity, historic environment, residential amenity, highways safety or ecological issues. As such, the application is considered compliant with policies CO1, CO2, D1, D2, D9, D14, D20, D25 and D26 of the Sedgemoor Local Plan 2011-2032.

## **RECOMMENDATION**

### **GRANT PERMISSION**



- 1 Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Plans and particulars of the reserved matters referred to above, relating to the access, appearance, landscaping, layout and scale, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 2015 (As amended by SI 2006/1062). In accordance with the provisions of Section 92 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 The dwelling hereby permitted shall be planned, built and first occupied in accordance with the definition of "self-build and custom housebuilding" as defined in the Self-build and Custom Housebuilding Act 2015 (as amended). The dwelling hereby permitted shall be first occupied as the sole or main residence of a person on the Council's Self Build Register with an appropriate local connection to the parish of Mark.

Reason: Development in this location is only considered acceptable on the basis that it meets an identified local need for self or custom build development in accordance with Sedgemoor Local Plan 2011-2032 Policy D9.

- 4 Prior to the commencement of any works, a landscape planting scheme shall be submitted to and approved in writing by the Local Planning Authority. This must ensure that all trees, hedgerows and waterways are retained and suitably enhanced, and enhancements for protected species are provided, unless

otherwise agreed by the LPA. The approved planting scheme shall be implemented no later than the end of the first planting season following the first use of the development hereby approved. Notwithstanding the submitted detail, for the avoidance of doubt the landscape scheme shall comprise a landscape masterplan which identifies the trees, hedgerows and ecological features to be retained, removed and proposed. The proposed planting scheme shall include: a) a detailed scaled drawing which identifies the proposed green infrastructure and includes a plant schedule and planting specification. b) The planting schedule shall detail the proposed species, quantities, stock sizes, planting densities and spacings. c) All landscape areas shall be protected and maintained, and any trees or plants which, within a period of five years from the completion of the planting, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

Reason: A pre-commencement condition to ensure that development sites are appropriately landscaped to provide enhancement of the environment, mitigation for vegetation that is to be removed, to ensure biodiversity is maintained .and that planting schemes are established and managed into the future in accordance with policy D19 Sedgemoor Local Plan 2011-2032

- 5 A Risk Avoidance Measures Method Statement (RAMMS) detailing the following measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development: a) Pollution prevention methods to avoid impacts such as dust, chemicals or materials entering the ditches on or adjacent to the site b) How all hedgerows and trees will be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 The development will thereafter be implemented in accordance with the approved strategy.

Reason: Pre-commencement condition: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 -Biodiversity and Geodiversity.

- 6 Prior to the installation of any 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 (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or

prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. 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 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 Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 7 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction of nesting bird, hazel dormouse, reptile, amphibian, badger and bat habitat clearance measures
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: A pre-commencement condition in the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 -Biodiversity and Geodiversity.

- 8 Prior to development above DPC level, A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The mitigation/enhancements should be installed prior to first occupation and retained thereafter and should include the following:
- a) Installation of 1x standard bird box purchased or built, situated on a mature tree on site or appropriately positioned on the proposed works, at a height above 3m. The ideal position for bird boxes is north facing (followed by north-east, and then east if no other aspects are possible. Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart.
  - b) A Beaumaris Woodstone maxi bat box or similar mounted at least 4m above ground on either the south or west facing elevations, and boxes aimed at different species should be spaced at least 2m apart.
  - c) Native, nectar rich planting (such as wildflowers, shrubs or trees) should be created within the site boundary and a buffer of rough grassland and understorey vegetation should be provided at the base of hedgerows. Trees and shrubs must be sourced from a reputable UK nursery. If not UK grown, plants must have spent at least one full growing season on a UK nursery and have been subjected to a full pest and disease programme
  - d) Installation/construction of a deadwood log refugia piles as a shelter for reptiles, invertebrates, amphibians and small mammals. Advice can be found here: [Log Piles for Wildlife | Garden Advice -The RSPB](#). This should be constructed within the boundary of the site and maintained thereafter
  - e) 1x integrated bee brick built into an appropriate external wall space of each dwelling. The bricks should be placed 1m above ground level and vegetation must not block the entrance holes. Please note, solitary bees are harmless and do not sting.

Reason: To ensure biodiversity enhancement as in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032 and in accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

### **Schedule A**

Existing & Proposed Site Plans Drg No. TQRQM23048104104477

Existing & Proposed Block Plans Drg No. TQRQM23048104104477

### **DECISION**

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