

**Committee date 11/06/2024**

**Application No:** 11/23/00121

**Application Type:** Full Planning Permission

**Case Officer:** Anna Jotcham

**Registered Date:** 11/12/2023

**Expiry Date:** 04/02/2024

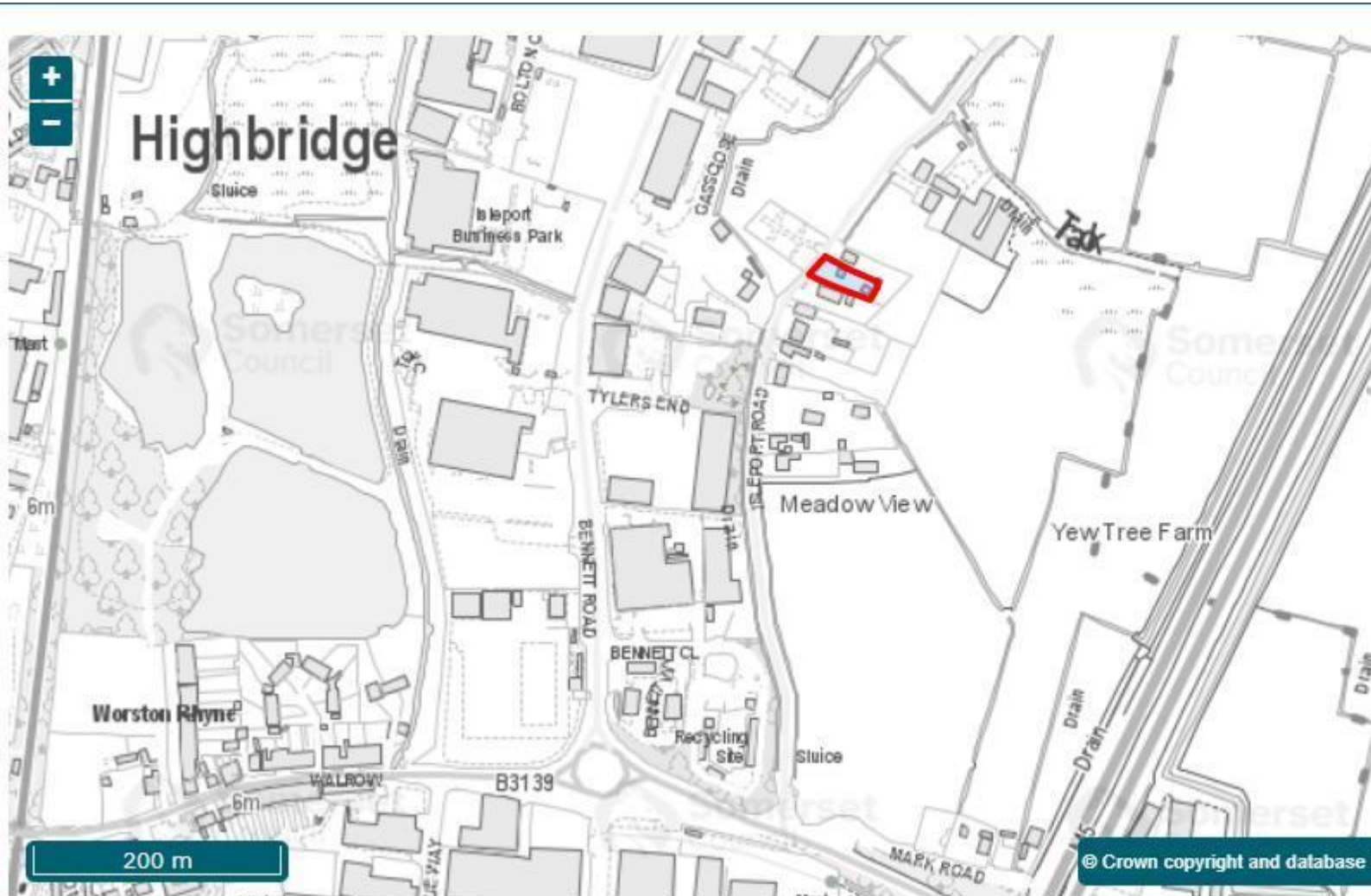
**Parish:** Burnham & Highbridge

**Division:** Highbridge & Burnham South

**Proposal:** Proposed erection of new 2 bed dwelling, with associated parking

**Site Location:** Land to the South of, 11, Isleport Lane, Highbridge, Somerset, TA9

**Applicant:** Ms K Golding



## **COMMITTEE DECISION REQUIRED BECAUSE...**

The proposal is a departure from the Development Plan and the recommendation is to approve.

## **BACKGROUND**

The site falls outside but adjacent to the settlement boundary for Burnham-on-Sea and Highbridge with the settlement boundary running north-south along Isleport Road. The site forms part of the garden to no. 11 Isleport Road which is one of a row of dwellings formed in a linear fashion along Isleport Road.

Land to the east of the site is allocated for housing within the Local Plan (ref: BH2) and benefits from outline planning permission for up to 248 dwellings (ref: 11/19/00003, granted 28 February 2022).

Outline planning consent, with all matters reserved, was granted for the erection of a self-build dwelling on the application site (ref: 11/21/00022) in June 2021.

The current application seeks full planning permission for the erection of an open market dwelling. The plans are similar to those submitted with the previous outline application. They show a detached house sited centrally within the plot with a garden to the rear, three car parking spaces at the front with access onto Isleport Road to the west.

## **RELEVANT SITE HISTORY**

**11/04/00229** - Erection of dwelling, garage and formation of access - REFUSED - 05.11.2004

**11/21/00022** - Outline application with all matters reserved, for the erection of a self-build dwelling - GRANTED - 16.06.2021

## **SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT**

- Design, Access and Planning Statement
- Design and Access Statement
- Flood Risk Assessment

## **CONSULTATION RESPONSES**

**Burnham-on-Sea and Highbridge Town Council** - Support.

**Highways Authority** - Standing Advice applies.

**Axe Brue Internal Drainage Board** - No objection, subject to conditions which secure details of

foul and surface water drainage.

**Natural England** - No objection.

**Environment Agency** - No comments received.

**Environmental Health** - No comment.

**Other representations / third party comments** - No comments received.

## **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.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of Sedgemoor District Local Plan 2011-2032.

### **Sedgemoor Local Plan 2011-2032**

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- S2 - Spatial Strategy for Sedgemoor
- CO1 - Countryside
- CO2 - Infill Housing in the Countryside
- D1 - Flood risk and surface water management
- D2 - Promoting high quality and inclusive design
- D9 - Self-build and custom build homes
- D13 - Sustainable Transport and Movement
- D14 - Managing the Transport Impacts of Development
- D19 - Landscape
- D25 - Protecting residential amenity

### **Burnham-on-Sea and Highbridge Neighbourhood Plan**

- H3 - Making residential development safe from flood risk

### **National Planning Policy Framework**

### **National Planning Practice Guidance**

### **Community Infrastructure Levy (CIL)**

The application is for residential development in Burnham and Highbridge where the Community

Infrastructure Levy (CIL) is Urban Residential £60sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £7,328.40. 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 (Spatial Strategy for Sedgemoor) of the Local Plan sets out the spatial strategy for the district and directs most of the growth identified to Bridgewater, Burnham-on-Sea and Highbridge, and the Tier 1 and Tier 2 settlements, to enable to most sustainable pattern of growth. Development at the smaller Tier 3 and Tier 4 settlements may be permitted, subject to meeting identified local housing need, supporting a prosperous rural economy, and contributing to priority local infrastructure and services. Development in the open countryside is appropriately controlled save for specific exceptions including for self-build and custom build dwellings under Policies D9 (Self-build and Custom Build Homes) and CO2 (Infill Housing in the Countryside).

The application site is adjacent to but falls outside the development boundary of Burnham-on-Sea and Highbridge so in planning policy terms is classed as being in the open countryside. The previous outline application (ref: 11/21/00022) for a dwelling on the site was therefore approved, subject to a condition which restricted the development to a 'self-build and custom build' dwelling. Since the outline application was approved, planning permission for up to 248 new dwellings on land to the east of the application site has been approved (ref: 11/19/00003). This land, allocated for residential development under Policy BH2 (Land east of Isleport Lane) in the Local Plan, has effectively extended the built form of Burnham-on-Sea and Highbridge out to the east of the application site, surrounding the existing linear row of properties along Isleport Road with housing development in the process. Consequently, whilst these properties (and the application site) currently fall outside the settlement limit, they are clearly part of a logical extension to the settlement and will be captured by an enlarged, albeit not currently official, settlement boundary. Furthermore, the previous outline permission established that housing development on the site would amount to "infilling of the existing main built-up area of the settlement" which would "maintain the sustainable pattern of development". The site was also considered to be of an "adequate size to accommodate a development of a scale and nature appropriate to the size, accessibility, character and identity of the existing community".

In this instance, given that the application site is part of a cluster of existing properties which will be surrounded by residential development on all sides, it is unreasonable to treat it as being in open countryside and impose restrictions for a 'self-build and custom build' dwelling. Allowing an open market dwelling in this location, is therefore considered to be justified. Nevertheless, the proposal would be contrary to the Council's spatial strategy, specifically policies S2, D9 and CO2 of the Local Plan which seek to restrict new housing development outside settlement boundaries to self-build and custom build development only, in the interests of meeting local housing needs.

Although justified, the proposal for an open market dwelling in this location would represent a departure from the Development Plan and the application has been advertised as such accordingly.

### **Design and Character of the Area**

Policy D2 (Promoting High Quality and Inclusive Design) of the Local Plan 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. Design solutions that make the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the buildings, are required.

The proposed site plan shows a detached dwelling sited centrally within the plot with a garden to the rear, three car parking spaces at the front with access onto Isleport Road to the west. The proposed layout broadly accords with the extant outline permission which considered that a dwelling in this location could "reasonably be of a scale and nature that is appropriate to the size, accessibility, character and identity of the existing community".

This part of Isleport Road has an eclectic character with a significant variety of house types. The proposed dwelling would be a 1.5 storey bungalow, with 'flood refuge' in the loft space. It would have a pitched roof, with a projecting porch at the front. The dwelling would be constructed with a mixture of render with facing brick plinth under a tiled/slate roof. Details and samples of materials can be secured via condition.

The proposal would inevitably change the character of the site by introducing built development within what is currently an open gap along Isleport Road. However, the proposed dwelling would be set back within the site and of an appropriate scale, bearing in mind the existing two storey house to the north and single storey dwelling to the south. The front garden will retain some of the existing hedging and fruit trees. The existing mature hedge and timber fencing delineating the site will be retained. This will soften the appearance of the new dwelling and help it to blend in with the existing context.

There are already existing properties along Isleport Road, and a development of the scale proposed would not be out of place. From observations on site, coupled with the plans provided, it seems likely that the visual impact on the surrounding area will be localised, and in proportion with the proposals. Therefore, in line with the previous outline decision, there would be no inherent overall harm to the character and appearance of the area from erecting the proposed dwelling in this location.

The proposal complies with Policy D2 of the Local Plan.

### **Impact on Residential Amenity**

Policy D2 (Promoting High Quality and Inclusive Design) of the Local Plan states that development

should respect the amenity value of the occupiers of nearby buildings. This is reinforced by Policy D25 (Protecting Residential Amenity) which states that consideration will be given to the extent that a proposal would result in unacceptable overlooking, visual dominance, loss of light, noise or disturbance, and/or odours etc.

The site is located between no. 11 Isleport Road (to the north), which is a detached, two storey house with blank gable at first floor level, and no. 10 Isleport Road (to the south), which is a detached single storey dwelling. The proposed development would change how the immediate neighbours currently experience the site. However, the proposed site plan shows sufficient buffers and boundary treatments between the proposed dwelling and the existing development. The proposed dwelling is set back from the site frontage and is low profile, with a ridge height of approximately 6.2 metres above finished floor level.

On balance, the development would not pose significant harm to the amenities of neighbouring occupiers and would provide an adequate standard of amenity for the proposal's future occupiers. The development therefore complies with the relevant planning policies.

### **Impact on Highway Safety**

Policy D14 (Managing the Transport Impacts of Development) of the Local Plan seeks to ensure provision is made for inclusive, safe and convenient access for all. The nature and volume of expected traffic from development should not compromise highway safety and/or the function of the local or strategic road networks.

A new access to the dwelling is proposed off Isleport Road. Parking and turning for three cars will be provided to the front (west) of the dwelling and will meet the Council's parking standards. The submitted Design and Access Statement suggests that the parking and turning area will be finished with chippings. Unbound surfacing materials are resisted within proximity to the highway to prevent loose material spilling out onto roads, so a condition is imposed requiring a consolidated surface for the access/driveway.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal will not generate a significant increase in traffic movements that would prejudice highway safety. On this basis, the proposal complies with Policy D14 of the Local Plan.

### **Impact on Flood Risk**

The application site is within Flood Zone 3a which means that the Sequential Test applies. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (NPPF; para 162).

Policy D1 (Flood Risk and Surface Water Management) of the Local Plan states that the Sequential

Test will be passed for proposals located within identified settlement boundaries. The scheme is being provided on the edge but arguably within the Burnham and Highbridge settlement boundary (see Principle of Development section of this report). As a vast amount of this settlement is within flood zone 3 it is concluded that there are no other reasonably available sites at lower risk of flooding which could accommodate the proposed development. As such, the Sequential Test is passed.

The previous outline permission imposed a condition for the dwelling to have a finished floor level of 7.05m AOD. This was based on recommendations in the supporting Flood Risk Assessment (FRA) which was provided at the time. The current application provides an Addendum (dated July 2022) to the original FRA supporting a lower Finished Floor Level of 6.00m AOD. The Addendum provides evidence (Appendix A) that the Environment Agency (EA) were consulted on the proposed lowering of the floor level prior to the application being submitted and did not raise any significant concerns.

Policy H3 of the Burnham-on-Sea and Highbridge Neighbourhood Plan requires all development proposals to have regard to the advice in the EA's Wessex Area Local Standing Advice. The lowering of the floor level to 6.00m AOD, is 500mm above surrounding levels, so greater than the EA requirements of 300mm above existing ground levels. A second storey 'flood refuge' is provided in the dwelling to offer a safe haven and a flood emergency plan management is proposed. The advice contained in the EA's Standing Advice is considered to be met.

The Axe Brue Internal Drainage Board has been consulted on the application and has not raised any objection, subject to submission of details for the disposal of foul drainage and surface water drainage being secured by pre-commencement conditions. The applicant has agreed to these conditions.

Subject to conditions, the proposal is considered acceptable in flood risk and drainage terms, in accordance with Policy D1 of the Local Plan and Policy H3 of the Neighbourhood Plan.

## **Summary / Conclusions**

For the reasons given, the application is recommended for approval, subject to conditions, as a departure from the Development Plan.

As this is a departure application, the recommendation to grant is subject to any comment from the Secretary of State within the statutory consultation period to be delegated to the Service Manager to be agreed in conjunction with the Chair and Vice Chair of the Planning Committee.

## **RECOMMENDATION**

## **GRANT PERMISSION**

### **1 Standard Time Limit**

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

### **2 Plans list**

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 Materials**

No development shall take place above damp proof course level until a schedule of materials and finishes to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

- a) Detailed specification of the proposed materials (type, size, colour, brand, quarry location, etc.)
- b) Photographs of all the proposed materials
- c) An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the local planning authority.

The development shall thereafter be carried out only in accordance with the approved details.

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

### **4 Bound/Compacted Vehicle Access**

No occupation shall commence until the approved vehicular access (as shown on the Proposed Site Plan Drg No. 2205 004 Rev A) has been constructed with a bound and compacted surfacing material (not loose stone or gravel) for



the first 5 metres of its length as measured from the edge of the adjoining carriageway. The access shall be retained as such thereafter.

Reason: In the interest of highway safety in accordance with Sedgemoor Local Plan 2011-2032 Policies D13 and D14.

#### **5 Biodiversity Enhancement (Net Gain)**

No occupation shall commence until the following have been installed within the application site:

- a) 1 x Kent bat box on to the approved building or a mature tree on site, facing south or west, at a height approximately or above 3m.
- b) 1 x standard bird boxes, on to the approved building or a mature tree on site, facing east or north, at a height approximately or above 3m.

The bat box and bird box shall be retained thereafter in perpetuity.

Reason: To promote biodiversity in accordance with policy D20 of the Sedgemoor Local; Plan 2011-2032.

#### **6 Flood Risk Assessment**

The development hereby approved shall be carried out in accordance with the flood resilience and resistant measures as set out in submitted and approved Flood Risk Assessment Addendum (produced by Advance Consulting Engineers Ltd, dated July 2022). The mitigation measures shall be fully implemented prior to first occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To safeguard the site and surrounding area from flood risk in accordance with Sedgemoor Local Plan 2011-2032 Policy D1.

#### **7 Drainage - Foul**

No development shall commence until a detailed scheme for the disposal of foul drainage from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and completed prior to the occupation of the dwelling.

Reason: To ensure the provision of satisfactory drainage and avoid pollution of the environment. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul drainage strategy.

## 8 **Surface Water Drainage System**

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development and subsequently be implemented in accordance with these approved details.

Reason: In the interests of providing a satisfactory level of surface water drainage, improving water quality and to prevent flooding in accordance with Sedgemoor Local Plan 2011-2032 Policy D1. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

### **Schedule A**

Location Plan Drg No. TQRQM23247102724039

Existing Site Plan Drg No. D22197\_2D\_SX

Proposed Site Plan Drg No. 2205 004 Rev A

Proposed Block Plan Drg No. TQRQM23319102406352

Proposed Elevations Drg No. 2205 002 Rev A

Proposed Ground Floor Drg No. 2205 001 Rev A

Proposed First Floor Drg No. 2205 003 Rev A

Proposed Section A-A Drg No. 2205 005 Rev A

### **DECISION**

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