



Appeal Decision

Site visit made on 7 March 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/D0121/W/18/3218752

28 Cabot Way, Weston-Super-Mare BS22 7TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr A Davidson against the decision of North Somerset Council.
- The application Ref 18/P/3111/FUL, dated 27 April 2018, was refused by decision notice dated 8 August 2018.
- The development proposed is erection of two storey side extension and single storey rear extension and conversion of dwelling into 1 x 3 bedroom flat and 1 x 2 bedroom flat together with associated vehicle and cycle parking, and waste and recycling storage.

Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey side extension and single storey rear extension and conversion of dwelling into 1 x 3 bedroom flat and 1 x 2 bedroom flat together with associated vehicle and cycle parking, and waste and recycling storage at 28 Cabot Way, Weston-Super-Mare, BS22 7TF in accordance with the terms of the application 18/P/3111/FUL, dated 27 April 2018, subject to the following schedule of conditions:
 - 1) The development hereby permitted shall be commenced within 3 years of the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (a) Site Location Plan 001
 - (b) Existing/Proposed Block Plan 002A
 - (c) Proposed Plans and Elevations 004
 - 3) The mitigation measures included on page 5 of the submitted Flood Risk Assessment (FRA) shall be implemented in full prior to the first occupation of the residential accommodation provided and thereafter maintained for the duration of the use.

Background and Main Issues

2. There is no dispute between the main parties in respect of the acceptability of the proposal in principle or in respect of the effect of the development on the character and appearance of the area or the living conditions of the occupiers of any neighbouring properties. I have not reason to disagree with such views. The point of contention between the main parties relates to whether or not the

sequential assessment forming part of the appellant's submitted flood risk assessment is adequate. Therefore, the main issue is whether or not an adequate flood risk assessment has been submitted as part of the planning application with specific reference to the sequential assessment and exception test.

Reasons

3. The Local Planning Authority (LPA) and the appellant disagree over the weight to be accorded to wider community benefits resulting from the proposal required in order to justify new residential development within an area of substantial theoretical flood risk. The appeal site falls within flood Zone 3. I consider the provision of an additional dwelling within an otherwise sustainable location, with good public access to community facilities, retail and employment opportunities, would provide a benefit in terms of not only an additional unit of housing in the area (in the context of the Council's claim that it cannot demonstrate a deliverable supply of housing sites), a positive benefit to local builders and suppliers from the physical completion of the alteration and extension of the existing building, and from additional revenue for local retailers and businesses from future occupiers of the proposed development.
4. The LPA claims that an inadequate search area was included in the sequential assessment undertaken by the appellant. They claim that other sequentially preferable sites that would not be at the same level of flood risk would be available, and they refer to a recent appeal decision from a separate site in support of this approach. Whilst I note the reference I do not consider there are sufficiently similarities in the circumstances and have therefore proceeded to consider this appeal on its own merits.
5. I consider the flood risk assessment submitted in support of the proposal does provide a reasonable area of search from a sequential assessment point of view. The appellant has opted to consider sites identified in the Council's SHLAA and taking into account the size of these sites, as well as the nature of the appeal development, they do not consider that there are any sequentially preferable sites available.
6. Whilst the appellant has not sought to provide a detailed analysis of every single sequentially preferable site in the wider area, I have no reason to disagree with the conclusions reached by the appellant in its report dated 6 August 2018. I consider that the sequential assessment is both proportionate and reasonable and effectively discounts other sites the Council has identified which it considers could reasonably accommodate the proposal in an area that is less prone to flood risk.
7. I note that the flood risk assessment and the Environment Agency response satisfactorily address all other matters of flood risk in confirming that the development would be safe for its lifetime taking account of the vulnerability of its users and that it would not increase flood risk elsewhere.
8. There are sufficient wider community benefits to justify allowing this appeal. On the evidence that is before me, I conclude that the sequential assessment is adequate, and that the exception test is passed. Therefore, the proposal would accord with the flood risk requirements of Policy CS3 of the North Somerset Core Strategy; Policy DM1 of the North Somerset Sites and Policies Plan (Part

1), and section 14 (particularly paragraph 160) of the National Planning Policy Framework and the associated Planning Practice Guidance.

Conditions

9. It is necessary to impose the standard time limit condition. For the avoidance of doubt, and in the interests of certainty, it is necessary to impose an approved drawings condition.
10. The Environment Agency has suggested the imposition of a planning condition to protect the occupiers of the proposed dwelling from flood risk impacts. I have imposed this necessary condition, but have altered its wording to include an effective trigger for provision of the mitigation required to ensure the wording accords with the advice contained within the Planning Practice Guidance and the Framework.

Conclusion

11. For the reasons given above, having regard to the development plan when read as a whole, I conclude that the appeal should be allowed subject to the conditions listed above.

Martin S. Lee

INSPECTOR