

Committee date 09/07/2024

Application No: 24/22/00042

Application Type: Full Planning Permission

Case Officer: Liam Evans

Registered Date: 11/01/2023

Expiry Date: 07/03/2023

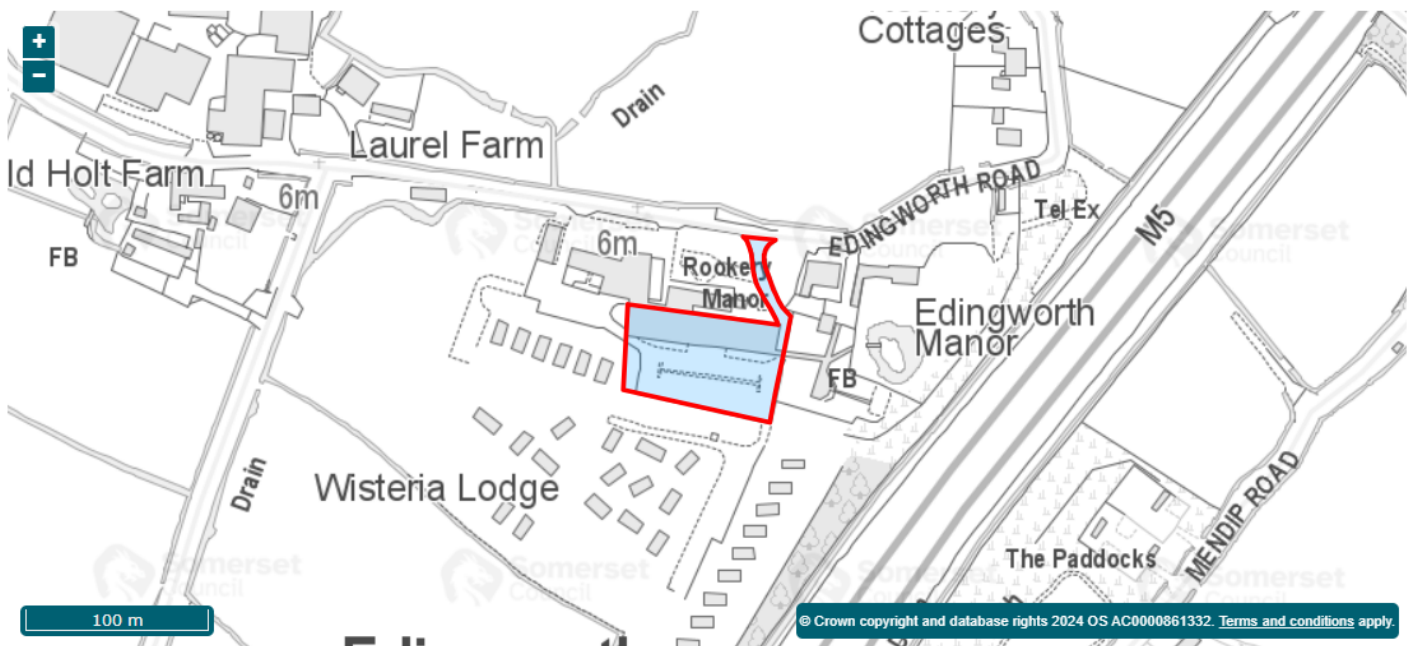
Parish: East Brent

Division: Knoll

Proposal: Change of use from hotel function rooms to provide 9no. self contained apartments (Revised Scheme).

Site Location: Rookery Manor, Edingworth Road, Edingworth, Weston-super-mare, Somerset, BS24 0JB

Applicant: Mr I Clapp



Committee decision required because

The comments from the Parish Council are contrary to the recommendation

Recommendation

Grant Consent

Background

The site is located outside of any settlement boundary and forms part of the larger Rookery Manor site located within the hamlet of Edingworth. The site was formerly used as a wedding venue and spa prior to the Covid pandemic when the business ceased trading.

This application relates to the main wedding venue building that lies within the centre of the main complex, which is single storey, linear in form and housed wedding ceremony and reception areas as well as a kitchen and lobby. Consent is sought for the change of use of the building into 9 self-contained residential units. Each unit would contain 3 bedrooms, 2 bathrooms, a living room and kitchen/diner and this would be repeated throughout the linear building. New windows would be inserted into the building with the south elevation containing entrance doors accessed through private amenity space at the rear.

The existing parking area to the south of the building is proposed to be retained with the existing access utilised from Edingworth Road with each unit provided with 3 parking spaces.

The land to the south of the site has since developed extensively to include holiday accommodation through the provision of lodges to the rear of the site but does not form part of this particular proposal.

Relevant History

24/18/00007	DC	Change of use of land siting 6no. yurts to site 6no. log cabins.	GTD
24/20/00004	DC	Change of use of hotel bedroom accommodation and housekeeping store to 3 No. apartments	GTD
24/20/00012	DC	Change of use of land from agricultural to site 6 No. holiday cabins	GTD
24/20/00020	DC	Change of use agricultural land to site 14 no. holiday cabins	GTD
24/20/00026	DC	Change of use of hotel rooms to form a self contained dwelling.	GTD
24/20/00034	DC	Removal of Condition 3 of Planning Permission 24/20/00004 (Change of use of hotel bedroom accommodation and housekeeping store to 3 No. apartments) to allow for year round occupation.	GTD
24/22/00023	DC	Change of use of agricultural land to site 18no. holiday cabins, with associated access and parking.	REF

Supporting information supplied by the applicant

Planning Statement

Flood Risk Assessment

Ecological Appraisal

Sustainability, Water and Energy Conservation Statement

Consultation Responses

Consultee Name	Summary of Response
East Brent Parish Council	<p>Objection.</p> <p>1)Policy T3a and T4, require the application to fulfil the requirements for affordable homes. Under the 2022 HNA for the Parish of East Brent a need for affordable homes was identified, which this application fails to address. It was also objected to under the previous application 24/22/00016 by Sedgemoor Homes for not addressing the need. In addition the applicant has not engaged with the local community or the PC on the proposal, as required by policy T4.</p> <p>2)Policy C01 requires demonstration that there is a need for new open market homes within the location, which is outside the Sedgemoor development plan area, this has not been demonstrated. In addition, policy C01 requires sustainable transport links to the area. There are no public transport services within Edingworth or within half a mile of the proposed site.</p> <p>3)Policy C02 states that countryside developments of less than 4 units will only be considered, this is for 9 and therefore outside of the policy requirement.</p> <p>4)Policy C03 for Brownfield sites within the countryside can not be met, as the proposed site</p>

is not well related to tier 1-4 settlements and there is no offered transport plan to provide or meet with the requirements for sustainable transport.

5)Policy D1 for flood risk in zone 3 can not be complied with as the proposed development is for single storey dwellings with no upper floor refuge. This point was clarified under the previous application 24/22/00016 by the Environment Agency, who objected to the proposal. It should also be noted that a monitored flood alert scheme as proposed by Sedgemoor could not be managed in Private Freehold residences, and there would not be an over arching body to monitor and advise.

6)Policy D2 regarding high quality design cannot be achieved on the current proposals to reuse an existing structure constructed in 2000, as the proposal cannot achieve the minimising of energy and well insulated buildings. The existing structures were erected under the 2000 building regulations, Part L where the U values required were 0.35w/m², under the current 2022 building regulations Part L the required U value is 0.18w/m². This increase in U value will require an additional 100mm of insulation to external walls. As the dimensions for the proposal are currently stated without this insulation, then it follows when this is added, either the internal rooms get smaller, if the insulation is applied internally, or the external elevations change , if the insulation is applied externally. Either way the current plans do not comply and will require amended to comply.

7)Policy D3 sustainability, has not been complied with, as mentioned above as the current proposals will not comply with the building regulation Part L or for that matter part F on natural light and ventilation, as the current proposal indicates internal rooms with no

windows but only roof lights . The roof lights indicated on the proposed plans are not large enough to meet the building regs. It should also be noted that no roof lights have been indicated on the proposed elevations, neither have the PV cells the applicant mentions, therefore the elevations are incorrect and not indicative of the proposal.

8)Policy D6, requires affordable home provision, and none has been provided. This was a point made by Sedgemoor Homes in their objection to the previous proposal 24/22/00016.

9)Policy D13 Sustainable transport, cannot be complied with, as there are no public transport services to Edingworth, and for that matter no services such as Schools, shops etc. Every child attending school would have to be taken by car, as the nearest schools are in East Brent or Lympsham.

10)Policy D14 managing the transport impacts of the development, no aspect of this application considers any aspect of policy D14.

11)Policy D34 Outdoor Public recreational space. This policy requires the provision of a children's outdoor play space for any development of more than 8 dwellings, this application has 9 dwellings and no provided space, therefore does not comply.

12)It must also be recorded that the Rookery Manor site has been gradually changing hotel function spaces to residential over the past years, and is gradually creeping up a residential site little by little.

- Application 24/13/00021 Change of use and conversion of hotel bedrooms and restaurant to 4 dwellings.

- Application 24/20/00004 Change of use of

	<p>hotel and house keepers store to 3 apartments.</p> <ul style="list-style-type: none"> •Application 24/20/00026 Change of use of hotel rooms to form self-contained dwelling •Application 24/22/00016 change of use of hotel function rooms to provide 12 self contained apartments, (withdrawn) <p>As is demonstrated above this previous hotel site is gradually creeping bit by bit in to a residential site, but in a covert under the radar manner. When it did apply under application 24/20/00035 to change the entire site to a residential development, it was refused, however with this piece meal approach it appears to be being approved.</p> <p>For the above reasons the Parish Council cannot support the proposal, and would urge the Planning authority to look very carefully at this application.</p>
Civil Contingencies	Recommend flood warning and evacuation plan.
Ecologist	No objection, recommend informatives/conditions
Highways	No objection, recommend conditions.
Environmental Health	Recommend conditions.
Environment Agency (drainage/water)	No Objection, recommend condition.

Representations

9 received raising the following:

- outside development boundary and within countryside, sparsely populated, lack of amenities/services, no specific need.
- plans unclear, would not comply with building regulations, package treatment plant appropriate?
- highway safety issues for pedestrians/road users, reliant on private vehicles, increase in traffic.
- within flood zone 3a, risk of increased flooding, within 20m of rhynes.
- loss of wedding venue removes employment opportunities from site and local area.
- will need to demonstrate no impact on ecology.
- risk to public health from contamination.
- impact on residential amenity - noise, smell and pollution.
- in close proximity of listed building.
- need to provide mix of housing for all current and future demographics.

- waste bins would reduce width of highway on collection days.
- existing holiday lodges being used all year round, increase in residents within Edingworth.
- detrimental to beauty of the area.
- 60+ properties built via recent planning permissions despite being objected to by residents.

Most Relevant Policies

National Planning Policies

National Planning Policy Framework

Local Plan (2011-2032)

S2 Spatial Strategy for Sedgemoor

CO1 Countryside

CO3 Brownfield Sites in the Countryside

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D6 Affordable Housing

D14 Managing the Transport Impacts of Development

D16 Safeguarding Existing Employment Land and Buildings

D20 Biodiversity and Geodiversity

D25 Protecting Residential Amenity

Community Infrastructure Levy (CIL)

The application is for residential development in East Brent where the Community Infrastructure Levy (CIL) is Non-urban Residential £120sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £112,715.57. 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

Policy S2 of SDC's Local Plan seeks to encourage the most sustainable form of growth in Sedgemoor by encouraging development within the more sustainable locations and encourages development on previously developed land and buildings that offer the opportunity for redevelopment or re-use. Policy CO3 requires sites to be well related to existing settlements and have appropriate access to the primary road network as well as offering more sustainable means of travel when being proposed for residential change of use.

However, in special circumstances as set out in the National Planning Policy Framework (NPPF), more remote rural brownfield sites can be considered appropriate locations for new residential development. These circumstances include proposals that would re-use redundant/disused buildings and enhance the immediate setting. Following the closure of the business the application is seeking to change the use of the former wedding venue building to 9 dwellings to be sold on the open market. Therefore, policies relating to new build residential development in the countryside would not apply in this instance.

The site is located between Rooksbridge and East Brent but outside of any settlement boundary and is therefore within the 'Countryside'. As a result of Covid there has been a significant impact on tourism enterprises and the rural economy. The agent has confirmed that the business as a whole was offered for sale in 2019 and has been on the market with no interest. Given the permitted use of the building and the financial impact that has been felt by those restrictions at the time it is considered that unfortunately the former use and business model for this site is no longer viable. However, the impact on the local tourism economy from the loss of the wedding venue would be reduced through the diversification of tourism accommodation on the wider site, which has consent for a number of holiday cabins.

In terms of suitability for residential use, the single storey rear building would provide 9 separate three bedroom single storey dwellings with two bathrooms and shared kitchen/dining and living space. The dwellings would be in excess of national space standards for a 3 bedroom unit (113sqm). In terms of size and scale the accommodation is considered sufficient for permanent occupation and the conversion to residential would result in an appropriate re-use of an existing building within the countryside as accepted through advice contained within the NPPF and Local Policy S2.

With regards to building regulations standards and whether the building would comply this would not fall within the remit of a planning consideration. Given the style of the building and its age there are no obvious features of the building that would prevent it from becoming a residential use or being able to provide the required standards in terms of insulation or U values as noted by the Parish Council. The agent has confirmed that a Building Regulations application would follow if a positive resolution is achieved at the planning stage. This would also cover sound insulation in respect of the internal accommodation. It should be noted that the existing site is bounded along the south east boundary parallel with the M5 and given the distance of the building from motorway and the proposed openings facing either north or south it is considered that the amenity value of the properties would be acceptable.

Permission has previously been granted for the removal of the condition restricting occupation to tourism use at Rookery Manor (reference 24/20/00034 for the removal of condition 3 of planning permission 24/20/00004 (change of use of hotel bedroom accommodation and housekeeping store to 3 No. apartments) to allow for year-round occupation. Whilst the location of the site between Rooksbridge and East Brent is not particularly well related (the Local Plan generally seeks to minimise the need to travel through Policy S4 'Sustainable Development Principles'), it is within an easy car ride of nearby facilities and the planning benefit of the re-use of the existing building

and provision of housing is considered to outweigh the impact of the location and complies with policy guidance within the NPPF.

In accordance with policy D6 of the Local Plan the developer would be required to enter into a legal agreement to secure off site financial contributions to local affordable housing provision.

As such the principle of development is acceptable subject to the detailed consideration of the below.

Design and Visual Impact

The building in question is a linear, single storey structure located within the centre of the site and to the rear of the existing reception buildings (also single storey) used in association with the holiday lodges and spa, which would be retained as part of the tourism offer Rookery Manor is now centred around.

As such the existing building is set back significantly from Edingworth Road to the north of the site and does not form a prominent feature within the street scene or the wider locality. While concerns have been raised regarding the impact upon the beauty of the area and the setting of existing heritage assets (i.e. nearby listed buildings) it is considered that the proposed alterations to the building would not result in a significant change. The proposed works mainly involve the provision of natural light to the rooms of the building through the creation of new openings to the north and south elevations as well as the insertion of rooflights. It is also proposed to install rooflights to the south roof slope, which would face onto the rear parking area and holiday lodges beyond. The building's size and scale would be maintained through the proposed conversion.

The changes to the grounds of the site would also be restricted to the creation of private amenity spaces to the south of the building and the existing hardstanding, which is currently extensive, would be given over to this as well as retained in part through car parking provision. Sufficient space would be available for each unit to retain areas for the storage of waste and recycling bins with space within existing site to allow for collection.

The proposal is considered to comply with Policy D2 of the Local Plan as the proposal would not have a detrimental impact on the surrounding area and the proposed changes would reflect the character and appearance of the existing building.

Highways

The application site is situated on Edingworth Road, a classified road which links the hamlet with the A370 to the west and is mainly subject to a 30mph speed limit. The site is served by an existing access on to Edingworth Road.

As acknowledged above the development will be principally served by car orientated travel given

the rural location with the adjacent highway being unlit and having no footways. All facilities such as school, medical provision and shops are within a short car journey while the the closest bus route (754) is on the junction of Edingworth Road and the A370, which is 1km away.

Notwithstanding the above the average dwelling generates 6 – 8 vehicle movements per day which means that this proposal would generate approximately 72 movements per day based on the higher figure. In comparison the extant permitted use as a wedding and conference venue could generate 493 daily movements based on the information provided. These would be mainly through private car movements although the hiring of vehicles associated with wedding and other events would also account for these movements. It is considered that the traffic generated by the proposed development would not have a severe impact on the local highway network or the safety of existing road users as the proposed change of use would provide a reduction compared to the existing permitted uses of the building.

The access to the site has been utilised by the Rookery Manor wedding and conference centre for a number of years. It is of sufficient width, consolidated surfacing and has adequate visibility splays. The access road into the development will be further improved by removing the timber arch gateway feature to the side of the building to provide increased width and would allow a pedestrian walkway/corridor 1.5m wide to be provided for pedestrians.

The parking levels proposed are in line with the Somerset Parking Strategy (SPS), and sufficient space to allow vehicles to both park and turn around within the site is available. This is important to ensure vehicles leaving the site do so in a forward gear in the interests of highway safety.

While the concerns regarding the traffic impacts are noted the Highways team have no objection to the scheme taking into account the potential traffic generation of the existing use of the building compared with that proposed as well as the existing infrastructure within the site to provide adequate turning and parking facilities.

As such it is considered that the development would comply with Policy D14 of the Local Plan.

Residential Amenity

Based on the existing permitted use of the building there is a potential for impacts to occur on the amenity of nearby residential properties when weddings and other events are held, particularly when such events are well attended. In comparison with the existing use the proposed change to residential properties would not result in a significant impact and likely would be of a lesser scale in terms of noise and disturbance due to the reduction in movements to and from the site, which would have potentially occurred late at night. The use as residential properties would be compatible with the nearest properties that fall outside of the ownership of the site and would be unlikely to cause similar noise/disturbance as a commercial venture.

Within regards to overshadowing or loss of light the building would remain at the same height as

existing and would not be extended over its footprint. Therefore, nearby properties would be unaffected in this regard.

In terms of overlooking additional windows and rooflights would be provided for each of the dwellings although these would not afford opportunities for additional overlooking of nearby properties given the single storey only accommodation proposed. Likewise, the distance of the building from the nearest 2 storey dwelling (3 Rookery Court, not including its own single storey projection) would be approximately 28m and as such future occupants would be subject to appropriate levels of privacy.

While the layout of each of the units is fairly regimented, the occupants would each be served by a private garden area to the rear leading off the shared turning area and allocated parking spaces. Therefore, the amenity of future occupants would be satisfactory.

Based on the plans submitted the proposal would comply with Policy D25 of the Local Plan.

Ecology

The proposal has been subject to an ecological appraisal, which confirmed an absence of both great crested newts from nearby ponds (which would be outside the site and therefore physically unaffected by the proposed conversion works) and bats from within the building or elements of the outside structure that would be removed. As such there would be no harm caused to protected species or their habitats.

A number of conditions are recommended by the Council's Ecologist and these would be applied where considered necessary to ensure the development provides a form of enhancement and comply with Policy D20 of the Local Plan.

Flood Risk

The building is located mainly within Flood Zone 2 with the west side of the building straddling into Flood Zone 3. Therefore, there is a degree of flood risk in converting the building from its former commercial use to residential.

With regard to the Sequential Test, the proposal involves the conversion of an existing building, has a specific locational requirement and is considered to be passed in this respect.

In terms of the Exceptions Test, following the submission of amended floor plans the proposal now includes a refuge at an upper level for each of the dwellings. These refuge areas would be appropriate in terms of floor space (potentially equating to a third bedroom/office) and would be above the projected flood depths of the site. It is considered that the flood mitigation measures are improved in respect of the change of use to residential and this is reflected in the initial objection from the Environment Agency being withdrawn subject to the inclusion of a condition relating to the

mitigation measures being implemented and retained.

It is considered that the Exceptions Test is passed in that the proposal would successfully provide mitigation measure in respect of flood risk and that the development is in accordance with Policy D1 of the Local Plan.

Previous Schemes

Concerns have been raised regarding the development of the existing permitted cabins on the site and possible breaches of occupancy conditions. Any alleged breaches of planning control should be brought to the attention of the LPA's enforcement team for further investigation. Each planning application is considered on its own merits and it would be unreasonable to withhold consent for an acceptable scheme, which in this case is for the conversion of an existing building. The granting of consent would not result in any reduction in the need for the applicants to comply with past planning consents and the conditions attached to them.

Conclusion

The change of use and conversion of the building would have no adverse impact on highway safety, amenities of neighbouring residents, character of the area or flood risk. The proposal is therefore recommended for approval subject to the completion of a Section 106 agreement to secure the provision of affordable housing contributions.

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 Before any of the dwellings hereby approved are occupied the parking and turning areas as shown on plan no.2983/11 shall have been provided and constructed within the site. Such parking and turning spaces shall be kept

clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highway safety.

- 4 None of the dwellings hereby permitted shall be occupied until a network of footway connections has been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

- 5 The development hereby permitted shall not be occupied until a scheme showing details of the proposed cycle parking/storage facilities at a rate of one bicycle space per bedroom is submitted to and approved in writing by the Local Planning Authority. Any such scheme shall be implemented before the development is occupied and thereafter maintained at all times.

Reason: In the interests of sustainable travel.

- 6 The development hereby approved shall be constructed with an integral safe refuge area for each dwellings set at a minimum of 6.75m AOD and all flood resilience measures detailed in section 2.03 of the submitted Flood Risk Assessment dated July 2023. These measures shall be implemented prior to first occupation and thereafter retained and maintained for the lifetime of the development.

Reason: To reduce flood risk to the development and future users.

- 7 No demolition/construction work (other than internal fitting out works) or deliveries to and from the site shall take place outside the hours of 07:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays, with the exception of specific works which shall have been agreed in advance and in writing by the local planning authority and shall include details of the task, the date and duration of works. No works to take place on Sunday and Public Holidays.

Reason: To protect the amenity of local residents from potential impacts whilst construction is underway.

- 8 The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment by Southwest Environmental Limited, Document Ref. S22-805/FRA, Dated April 2024), Proposed Section

Plan Drg No. 2983/12 and the following mitigation measures it details:

- Each individual flat is to include an internal safe refuge as demonstrated within the revised floor plans.
- Each individual safe refuge is to reside at a minimum floor level of 8.7mAOD
- Ground floor finished floor levels to be set a minimum 150mm above surrounding ground level as indicated within the revised floor plans.
- Flood Resistance/Resilience measures.
- Electrical sockets on the ground floor to be set at 6.9mAOD.
- Each resident/occupant will sign up to receive Environment Agency flood warnings.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

- 9 All hedgerows and trees with potential to be impacted by works shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. The measures shall be maintained throughout the construction period.

Reason: in the interests of European and UK protected species and biodiversity generally and in accordance with policy accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity

- 10 Prior to the installation of any external lighting a lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), 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 on key & supporting features or habitats. 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 Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

- 11 The dwellings hereby permitted shall not be occupied until the following ecological enhancement features are installed:
- 2x woodcrete or woodstone bird boxes on the north, north east or east elevations at a height of 3m.
 - 1 x Beaumaris Woodstone maxi bat box or similar mounted at least 4m above ground on either the south or west facing elevations.

Once installed the ecological enhancement features shall thereafter be maintained at all times.

Reason: In accordance with Policy D20 of the Sedgemoor Local Plan

Schedule A

Site Location Plan Drg No. 001

Location Plan Drg No. 012

Existing Elevations Drg No. 2983/7

Proposed Site Plan Drg No. 2983/11

Proposed Section Drg No. 2983/12

Proposed Floor Plan Drg No. 2983/10A

Proposed Floor Plans & Elevations Drg No. 2983/8 Rev. D

Proposed Elevations Drg No. 2983/9 Rev. D

DECISION
