

Committee date 10/09/2024

Application No: 51/22/00018

Application Type: Full Planning Permission

Case Officer: Louise Newcombe

Registered Date: 20/07/2022

Expiry Date: 13/09/2022

Parish: Wembdon

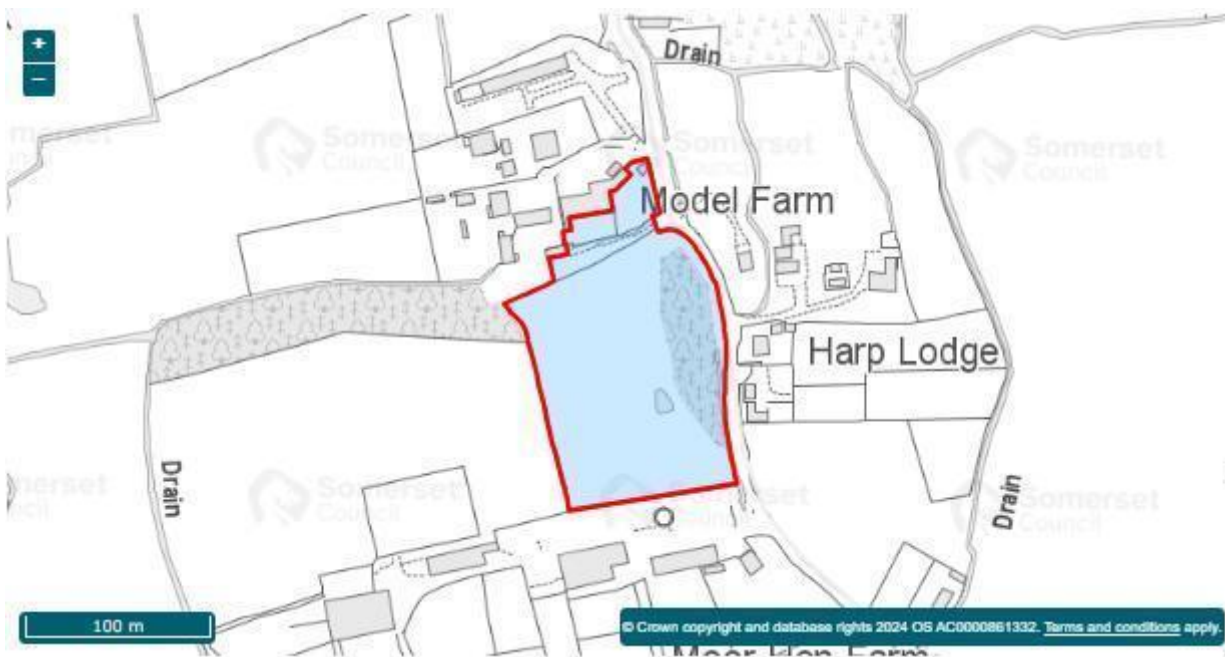
Division: Cannington

Proposal: Change of use of grounds/gardens, including the provision of a pond to be used for public visits, together with the retention of a covered Pizza Oven and pergola over a hot tub.

Site Location: Model Farm, Waldrons Lane, Wembdon, Bridgwater, TA5 2BA

Applicant: Model Farm Country House

**** THIS APPLICATION IS CODED AS A MAJOR APPLICATION ****



1. Committee decision required because

1.1 This application is referred to the area committee as it is a major development and the comments from the Parish Council are contrary to the officer recommendation.

2. Recommendation

2.1 To grant planning permission.

3. **Background**

- 3.1 Model Farm is located to the north-west of Wembdon to the north of the hamlet of Perry Green. To the west is the Tier 2 settlement of Cannington. The site is accessed from Waldron's Lane which is a narrow, single width lane. The wider farm site comprises of the Model Farm Country House itself and surrounding barns which have been previously converted into residential use.
- 3.2 Model Farm has been in use as a holiday yet for over 13 years.
- 3.3 This planning application is for the change of use of grounds / gardens, including the provision of a pond to be used for public visits, together with the retention of a covered Pizza Oven and pergola over a hot tub. The pond, pizza oven and pergola are already in place. The proposal is to open the gardens to the public from 10:00 to 16:00 Monday to Friday from March until late October but not be open during Whitsun half term or the school summer holidays. On Thursday afternoons the gardens will be open for the National Gardens Scheme. The applicants do not want to have visitors to the gardens when there are guests staying at the house.
- 3.4 During the lifetime of the application the details for consideration have been amended to remove the overflow car park and ticket office.
- 3.5 In 2012 planning permission was granted for the retention of the agricultural field to the front of the house as garden area. This has been planted with hundreds of trees, wildflower meadows and numerous flower and shrub beds with ornamental trees and shrubs. The gardens have been annually opened for the National Garden Scheme Charity.

4. **Relevant History**

<u>Reference</u>	<u>Case Officer</u>	<u>Decision</u>	<u>Proposal</u>
51/21/00037	STP	WDN	Erection of detached gardeners shed and covered pizza oven.
51/18/00007	STP	GTD	Retrospective application for the demolition of existing conservatory and erection of orangery.
51/14/00019	STP	GTD	Conversion and extension of outbuilding to form additional living accommodation
51/13/00004	DRT	REF	Erection of Summer House
51/12/00011	RM	GTD	Retention of change of use to partly residential, partly self-catering holiday or short term letting. Retention of use of agricultural land (field no 5726) as

			garden area
51/01/00012	HEP	GTD	Erection of 3 stables and tackroom / store
51/91/00019	CTP	GTD	Conversion of barn into single dwelling
51/88/00041	CTP	GTD	Change of use of agricultural building

5. Supporting information supplied by the applicant

Applicant's Site Photos
Design and Access Statement
Flood Risk Assessment
Landscape Plan
Planning Statement
Sustainability Statement

6. Consultation and Representations

6.1 Date of consultation: 29/07/2022

6.2 Date of revised consultation (if applicable): 23/05/2024

6.3 Press Date (if applicable): 06/06/2023

6.4 Site Notice Date (if applicable): 05/08/2022

6.5 The submitted comments are available in full on the Council's website.

6.6 Consultees the following were consulted:

Consultee Name	Summary of Response
Wembdon Parish Council	<p>(11/06/2024) – It was unanimously resolved to object to this application. Wembdon Parish Council re-iterates its previous objections submitted on 4th April and 5th June 2023, which were:</p> <p>Wembdon Parish Council would normally support an application for the diversification of an existing rural business, in compliance with Policy WB7 of Wembdon's Neighbourhood Plan.</p> <p>However, Wembdon Parish Council is concerned about the long-term generation of traffic in the narrow Waldrons Lane, and its effect on the hamlet of Perry Green, and continues to object on the grounds that the proposal will not enhance the road and personal safety, contrary</p>

to Policy D13 of the Sedgemoor Local Plan.

Wembdon Parish Council is also concerned that the potential for roadside verge damage, already a significant problem along that stretch of road, will be significantly increased, resulting in further damage to the roadside drainage channels.

The Parish Council would also like to object on the grounds of concern regarding noise, which we understand has already been reported to the Somerset Council Environmental Health department.

The Parish Council notes that the work applied for has already taken place, and so feels that this should be classed as a retrospective application.

(06/06/2023) – Objects to this application and reiterates the objection submitted on 4th April.

Wembdon Parish Council comments further as follows:

We note that application 51/22/00035 for the business further along Waldrons Lane has been granted permission subject to conditions regarding traffic level. The Model Farm business is not comparable to that one in that visitors do not have to book, so the traffic levels are not predictable or controllable, and could easily exceed those estimated by the Applicant. The Parish Council is also concerned that the proposal includes a public swimming pool, with no mention of the safety arrangements.

(04/04/2023) - Wembdon Parish Council would normally support an application for the diversification of an existing rural business, in compliance with Policy WB7 of Wembdon's Neighbourhood Plan.

However, Wembdon Parish Council is concerned about the long-term generation of traffic in the narrow Waldrons Lane, and its effect on the hamlet of Perry Green, and continues to object on the grounds that the proposal will not enhance the road and personal safety, contrary to Policy D13 of the Sedgemoor Local Plan.

	<p>Wembdon Parish Council is also concerned that the potential for roadside verge damage, already a significant problem along that stretch of road, will be significantly increased, resulting in further damage to the roadside drainage channels.</p> <p>There is another application currently being considered by Somerset Council (52/22/00035) which will also generate traffic through Perry Green, and Wembdon Parish Council considered that the effects of the two proposals should be evaluated together, in conjunction with a professional third party survey of current traffic, and an evaluation of the five-year plans for the two businesses.</p> <p>Wembdon Parish Council is also concerned about potential noise from late-night use of the pond by guests staying at the house. This is a quiet locality where night-time noise will be very apparent. The noise could have an unacceptable impact on nearby residents, contrary to Policy D25 of the Local Plan.</p> <p>(16/08/2022) – Wembdon Parish Council objects to this application for the following reasons:</p> <ul style="list-style-type: none"> – The road network in the vicinity would not support the extra traffic that this application would generate. – There are concerns that such a facility may be used in the evening causing noise pollution which would affect the neighbouring properties.
Bridgwater Town Council	<p>(14/06/2024) – No comment / observation.</p> <p>(27/06/2023) – No comment / observation.</p> <p>(27/06/2023) – Support as per previous comments.</p> <p>(27/04/2023) – Town Council’s comments remain unchanged – please refer to existing comments.</p>
Cannington 1 – Brian Bolt	No comments received.
Cannington 2 – Mike Caswell	No comments received.

Environment Agency	<p>(24/05/2024) – Note the change in description, amended plans / documents and have no further comments to make than those in our consultation response letter dated 21/05/2024.</p> <p>(21/05/2024) – No objection subject to condition relating to compliance with the Flood Risk Assessment. The EA have consulted their Fisheries, Biodiversity and Geomorphology team on the proposal and they have no concerns to raise. The proposal would enhance biodiversity.</p>
Environmental Health	<p>(30/05/2024) – Suggested conditions to cover hours and months of use, maximum numbers of persons using and a recording system for use of the pond.</p> <p>(15/08/2023) – Further information sought for how the numbers of people and use of the pond will be managed and a robust risk assessment for the pond use.</p>
Somerset – Highways	<p>(24/06/2024) – Do not alter previously submitted response. Notes the amended plans do not show the overflow car park.</p> <p>(23/06/2023) -The submitted DAS and Transport Assessment note do not alter our previously submitted response to this application.</p> <p>(26/04/2023) – The amended plans do not alter our response of 12/12/22.</p> <p>(12/12/2022) – Recommend approval subject to conditions being imposed. The proposal is located on a narrow single width rural lane. The planning statement includes a traffic generation projection based on a business plan which would not severely impact on the local highway network.</p> <p>(12/10/2022) – The Highway Authority cannot currently recommend approval of this application – further details of the proposals are required.</p>
Somerset County Council – Civil Contingencies	<p>(29/03/2023) – If this application were to be approved, we recommend a condition to complete and maintain a Flood Warning and Evacuation plan for the site.</p>

Parrett Drainage Board	<p>(17/06/2024) – Standing Advice – as per 06/04/2023.</p> <p>(01/06/2023) – Standing Advice – as per 06/04/2023</p> <p>(06/04/2024) – Standing Advice - Providing the development does not affect any land within 6m of the top of an existing watercourse , the IDB will not have an in principal objection to the position of the development in relation to the watercourses. Informative requested regarding works near to watercourse.</p> <p>(11/08/2022) – Standing Advice – the IDB will not be making site specific comments on this application at this stage. If the proposals are in accordance with the standing advice available on our website then the Board has no objection to the proposals.</p>
Somerset Ecology Services	(26/04/2023) – Comments related to the construction of the overflow car park and ticket office and the potential impact on biodiversity on site which have now been removed from the application.
Historic Environment Service	(15/08/2022) – As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

7. Local representations:

7.1 Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

7.2 17 representations have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Excessive traffic along a small, single track lane which is in very poor condition and relied upon to serve other properties and farm access	Addressed in Highways, access and sustainable transport section.
Forecast of 2-3 cars per hour	See Highways, access and sustainable transport

underestimate and uncontrollable	section.
Visitors to the pool will have to walk across the main parking area	See Highways, access and sustainable transport section.
Noise and disturbance	See Residential Amenity section.
Pizza oven, pergola and pond already constructed and being used for public visits which was restricted under 51/12/00011	See Principle of Development section.
Application has previously been turned down by the planning committee	The planning history is set out in this report and the current application is fully assessed through this report and officer recommendation.
Health and Safety concerns regarding safety standards for a public swimming pool, the use of alcohol and an unsecured cold water lake	See Health and Safety section.
Ground level lighting has been installed to illuminate the pool and its facilities at night	See Residential Amenity and Ecology section.
Risk of flooding	See Flooding and Drainage section.
Similar application 51/20/00041 was refused on pollution impacts and residential amenity	Each planning application must be considered on its own merits.
<i>Support</i>	<i>Officer comment</i>
Good idea for surrounding area, public, wildlife / biodiversity	Noted
Welcome the new wild swimming pond facility	Noted
Local business and potential asset to the local community	Noted

7.2 Summary of objections - non planning matters:

- 7.3 The property hosts a lot of parties that generate regular complaints to owner and to Environmental Health - Officer Comment: These matters relating to the existing use of the premises are not material to the consideration of this planning application.
- 7.4 Each part of the application should be dealt with separately - Officer Comment: The Town and Country Planning Act 1990 allows for planning applications to be submitted retrospectively and these can include multiple parts as part of a single application. The Local Planning Authority then must consider the entire application on its own merits.

7.5 *Summary of support - non planning matters:*

n/a

8. Most Relevant Policies

8.1 National Planning Policy Framework (2023)

Part 6 - Building a strong, competitive economy - Para's 88 and 89 - Supporting a prosperous rural economy

Part 8 - Promoting healthy and safe communities - Para 102 - Open space and recreation

Part 9 - Promoting sustainable transport - Para 108 - Promoting sustainable transport, 114 and 115 - Considering development proposals

Part 12 - Achieving well-designed and beautiful places - Para 135 - good layout and appropriate and effective landscaping, sympathetic to local character and promote health and wellbeing

Part 14 - Meeting the challenge of climate change, flooding and coastal change - Planning and flood risk - Para's 173 and 174 -ensuring flood risk is not increased elsewhere, incorporates sustainable drainage systems and meeting requirements for site-specific flood risk assessments

Part 15 - Conserving and enhancing the natural environment - Para 180 - net gains for biodiversity and preventing unacceptable pollution (including noise) and Para 185 - enhancing biodiversity and protection of priority species and Para 191 minimising potential adverse impacts and avoid noise

8.2 Sedgemoor Local Plan (2011-2032)

S1	Presumption in Favour of Sustainable Development
S4	Sustainable Development Principles
S5	Mitigating the Causes and Adapting to the Effects of Climate Change
CO1	Countryside
D1	Flood Risk and Surface Water Management
D2	Promoting High Quality and Inclusive Design
D13	Sustainable Transport and Movement
D14	Managing the Transport Impacts of Development
D17	Tourism
D19	Landscape
D20	Biodiversity and Geodiversity
D23	Bat Consultation Zones
D24	Pollution Impacts of Development
D25	Protecting Residential Amenity
D28	Health and Social Care

8.3 Wembdon Neighbourhood Development Plan (2019)

WB4	Community Facilities
WB7	Rural Diversification

9.0 Community Infrastructure Levy (CIL)

n/a

10.0 Main Issues

Principle of development:

- 10.1 The site lies in the countryside as it is not within a settlement. The proposal will provide a leisure and recreation opportunity which is supported through both national and local planning policy in principle. Opening the garden to the public and the provision of the pond and ancillary structures within the garden will improve the quality and diversity of the tourism offer and enhance the image of the area as a tourism location. The additional benefits of recreation, health and wellbeing are also in accordance with both national and local policy being in accordance with the NPPF (2023), policies D2, D17 and D28 of the Sedgemoor Local Plan 2011-2032 and policies WB4 and WB7 of the Wembdon Neighbourhood Development Plan (2019).

Visual amenity / landscape impacts:

- 10.2 The opening up of the garden to the public and the activities from people visiting the site and using the pond is not considered to be visually intrusive and does not differ from the current use of the land and facilities by visitors and guests staying at the house. As visitors and guests at the house will not occur at the same time there will be no exacerbation or intensification of the use and activity in this respect.
- 10.3 The pizza oven and pergola are considered to be modest and unobtrusive structures set well within the garden with significant distance from the boundary of the site and from any neighbouring dwellings or public viewpoint.
- 10.4 The pond has limited above-ground visual impact and is therefore acceptable as it causes no harm to the wider character and appearance of the area and surrounding countryside. As such the development is considered acceptable and complies with the NPPF (2023) and policies CO1, D2 and D19 of the Sedgemoor Local Plan 2011-2032.

Access and sustainable transport:

- 10.5 The applicant's intention is to only open the garden and pond to the public from Monday to Friday between 10:00 and 16:00 March to October every year. A planning condition is recommended to control these details. The applicant has clearly stated through this application that there is no intention for house guests to be on site at the same time as the gardens and pond are open to the public. Therefore, the access route along Waldron's Lane and the parking provision will only need to accommodate each use separately and not provide for the combined possible guests / visitors. If both the house were open to guests alongside the gardens, there is considered to be sufficient parking provision to meet these demands and Somerset Highways have advised that the level of use in terms of traffic generation was not significant to warrant an objection or recommendation of refusal on these grounds.
- 10.6 Officers consider that taking into full account the details of this application, a condition to prevent the wider house and grounds being used by guests at the house and at the same time for visiting members of the public to the gardens and pond would not meet the

statutory tests in accordance with paragraph 55 of the NPPF (2023). A condition on this basis would not be necessary to enable the development to proceed as the mitigating adverse effects are not significant to warrant doing so.

- 10.7 The submitted business plan estimates that the average number of visitors will be 22 people per day for 9 months of the year in the first year, increasing by 50% in the following year. The anticipated and projected number of cars would be an average of 2 to 3 car journeys an hour between the hours of 10:00 and 16:00 on weekdays with 3 per hour being anticipated after the gardens have been open for a year. This is not considered to be a significant additional impact on the local roads.
- 10.8 In terms of car parking there are sufficient car parking spaces provided in association with the house. These parking spaces were approved under a condition submission as part of 51/12/00011. A condition is recommended to ensure the main car parking area shown on the submitted site plan is kept clear of obstruction and shall only be used for the parking of vehicles.
- 10.9 Cycle parking should be provided at the site in accordance with the general principles of sustainable travel and in accordance with Policies D13 and D14 of Sedgemoor Local Plan 2011-2032. As such a condition is recommended for cycle parking details to be submitted to and approved by the Local Planning Authority and provided within 3 months or in advance of the next period when the garden is open (March to October).

Flooding and drainage:

- 10.10 The site lies within Flood Zone 3 benefitting from flood defences. Due to the defences along the River Parrett, there is a low probability that sea flooding would occur to the site. The 2018 Cannington flood model indicates that the site would be classified as Flood Zone 1 for fluvial flooding. The Parrett Internal Drainage Board raises no objection to the proposals subject to an informative regarding consent for any additional flow into a watercourse. The Environment Agency have no objection to this application subject to a condition securing mitigation measures as set out in the submitted Flood Risk Assessment. As such the flood risk and drainage implications of the proposal are acceptable, and in accordance with Policy D1 of Sedgemoor Local Plan 2011-2032.

Ecology:

- 10.11 The landscaping enhancements undertaken outside of this current planning application have boosted the biodiversity of the site. The creation of the pond and structures under consideration as part of this proposal have no negative impact on biodiversity or protected species. There is no objection raised from Somerset Ecology.
- 10.12 Through the representations received, the installation of lighting within the garden has been mentioned. External lighting by way of minor domestic light fittings is not considered to be development that is subject to planning controls. Whilst it is noted that external lighting in the garden was not controlled or restricted through the 2012 planning permission for the use of the previous field as garden, a condition is suggested to be imposed to prevent any additional external lighting from being installed without the design and details being submitted to and approved in writing by the Local Planning Authority. An advisory informative is also recommended to remind the applicant of the legal protection of active nesting birds and bats.
- 10.13 Subject to the external lighting condition, the application is considered to be in accordance

with the NPPF (2023) and policy D20 of Sedgemoor Local Plan 2011-2032.

Residential amenity:

- 10.14 It is noted that a number of the representations received relate to the amenity impacts of the existing use of Model Farm and the guests staying at the site. This application can only assess and consider this application for the use of the gardens and pond by the visiting public and the regularisation of the pizza oven and pergola.
- 10.15 It is noted that neighbours are as close as approximately 50m from the site and with the site being a quiet rural area noise will travel easily. The main concern is over the use of the pond and appropriate numbers using this.
- 10.16 Considering the hours of opening between 10:00 and 16:00 hours Monday to Friday (subject to recommended planning condition) and the anticipated levels of use and visiting members of the public to the site at approximately 22 to 30 people per day it is not considered that the proposed visitors to the gardens and pond will generate a significant residential amenity impact through noise and disturbance. On paying to enter the gardens visitors will be asked whether they wish to use the pond and users will be limited to a maximum of 12. The existing arrangements for house guests to use the pond between dawn and dusk will remain according to the displayed rules. The proposed opening of the gardens and pond to the public does not cover the peak school summer holiday period. Taking into account these limits and likely visitor numbers it is not anticipated that there should be any significant generation of noise.
- 10.17 The Council's Environmental Health team have raised no objection subject to the proposed conditions.
- 10.18 With the recommended conditions to restrict the hours and months of use and the maximum number of users of the pond, the proposal is considered acceptable in terms of impact on residential amenity of nearby neighbours and occupants in accordance with Policy D25 of Sedgemoor Local Plan 2011-2032.

Health and Safety:

- 10.19 Several representations have been received regarding health and safety matters in connection with the use of the pond for swimming. The applicants have confirmed that they will not have house guests and garden visitors using the pond at the same time. Guests normally stay at the house in the week during school holiday times. The gardens are proposed to be open 10:00 until 16:00 Monday to Friday, after the Easter holidays until the October half term. The gardens will not be open during Whitsun week and summer school holidays. The pond, at a depth of 1.2m is approximately 7 x 20m. The use of the pond will be limited to 12 people at any one time which allows just over 10 sqm of space per person. A risk assessment has also been provided and whilst this is not a material planning consideration in the determination of this planning application it is noted and is considered acceptable by Environmental Health officers.

11.0 Planning Balance and Conclusion:

- 11.1 The proposed development is acceptable in principle as recreation / tourist uses appropriate within the countryside setting. There are recognised economic benefits to the wider area in terms of additional tourism attraction and spending on local services / facilities.

- 11.2 There are no wider visual amenity or wider landscape character impacts through the proposal and subject to the conditions recommended there is considered to be no significant impact on the residential amenity of neighbouring properties.
- 11.3 The development provides adequate car parking provision and a condition secures provision of cycle parking at the site. The generation of vehicles through the use and the controls on the garden visitor times to avoid the times when the house has guests will ensure there are no significant highway safety issues through generation of traffic. There are no flood risk harms and positive impacts on biodiversity and ecology.
- 11.4 There are no identified conflicts with the Development Plan, when taken as a whole, or other material considerations that indicate that planning permission should not be granted.
- 11.5 Overall, on the balance of considerations, the proposed development is considered to be a sustainable form of development that accords with the Development Plan when taken as a whole and the relevant material planning considerations.
- 11.6 It is recommended that planning permission be granted.

12 RECOMMENDATION

12.1 GRANT PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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. The use of the gardens and pond by the public shall only take place between the hours of 10:00 and 16:00 hours between the months of March and October (inclusive) and excluding the Whitsun half term week and the Somerset school summer holiday period.

Reason: In the interests of residential amenity in accordance with Sedgemoor Local Plan 2011-2032 Policies D14 and D25.

4. The maximum number of public users of the pond at any one time is 12.

Reason: In the interests of residential amenity in accordance with Sedgemoor Local Plan 2011-2032 Policy D25

- 5 For the public use of the pond hereby approved, a system of recording the number of users shall be maintained and a booking system shall be devised to ensure the maximum number is complied with.

Reason: In the interests of residential amenity in accordance with Sedgemoor Local Plan 2011-2032 Policy D25

- 6 The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:

- 1) Owners and staff of the site should sign up to receive EA flood warnings.
- 2) Implementation of a flood evacuation plan

These mitigation measures shall be fully implemented prior to commencement of the use hereby approved. 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.

- 7 Prior to the installation of any additional external lighting within the gardens, 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 Local Plan 2011-2032 policy D20 - Biodiversity and Geodiversity.

- 8 The main car park area shown on plan ref. TQRQM21340112521099 hereby approved, shall be kept clear of obstruction and shall only be used for the parking of vehicles and not for any other purpose.

Reason: To ensure appropriate car parking provision is secured in accordance with Sedgemoor Local Plan 2011-2032 policies– D13 – Sustainable Transport and Movement and D14 – Managing the Transport Impacts of Development.

- 9 Within 3 months from the date of this planning permission, full details of the provision of cycle parking providing space for at least 4 bicycles to be parked shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided on site within the same 3 months or in advance of the next opening season (March to October annually).

Reason: In the interests of promoting sustainable non-car modes of transport in accordance with Sedgemoor Local Plan 2011-2032 policies– D13 – Sustainable Transport and Movement and D14 – Managing the Transport Impacts of Development.

Schedule A

Location Plan Drg No. TQRQM21304154332277 Rev. A

Site Plan Drg No. TQRQM21340112521099

Proposed Pond Section Plan Drg No. MFDEY5

Proposed Elevations - Covered Pizza Oven Drg No. MFDEY6

Proposed Elevations - Hot Tub & Pergola Drg No. MFDEY7