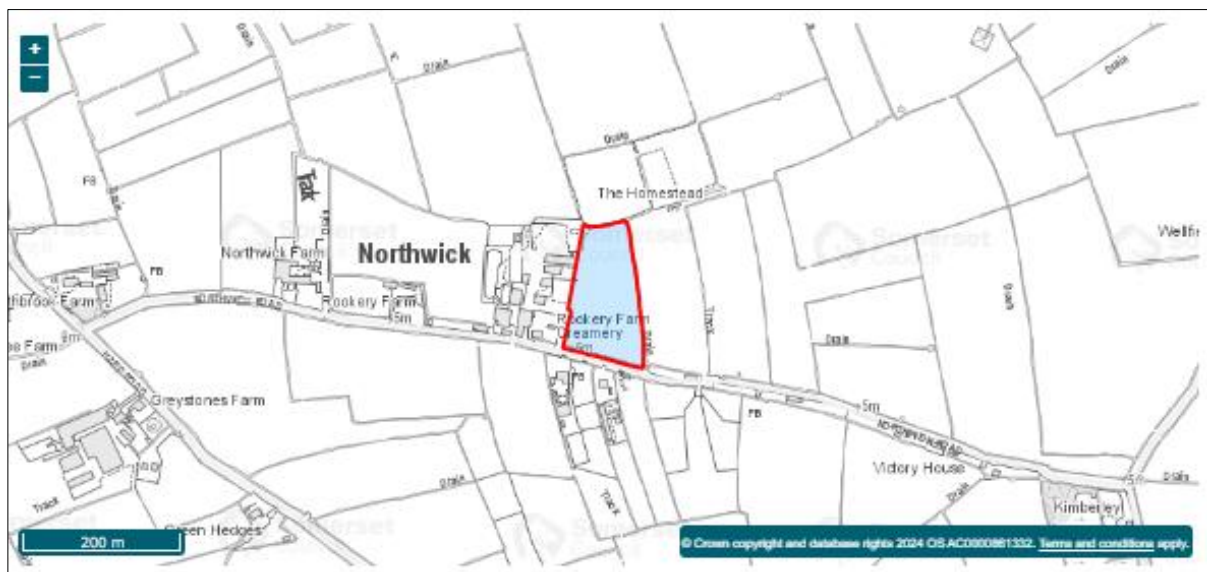


Application Details	
Application Reference Number:	33/24/00010
Application Types:	Full Application – Variation of Condition
Extension of Time:	17 th January 2025
Description:	Variation of Conditions 2 & 3 of Planning Permission 33/18/00028 (Variation of Condition 2 of Planning Permission 33/17/00004 (Provision of new farm-stay tourist development consisting of the erection of 9 holiday cottages, associated landscaping, parking, access & ancillary agricultural buildings) to revise layouts of plots 2, 5, 8 & 9 to provide 3 bedrooms instead of 2.) to amend the approved plans listed in Schedule A and to revise “farm stay” elements with change of use of consented calf building to ancillary store/rest area.
Site Address:	Rookery Retreat, Northwick Road, Mark, Highbridge, TA9 4PG
Parish:	Mark
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment area:	N/A
National Landscape:	N/A
Case Officer:	Amelia Elvé
Agent:	Westward Planning Ltd.
Applicant:	TDI Properties
Reason for reporting application to Members:	The application for a major development and the view of the Parish Council is contrary to the officer’s recommendation.



1. Recommendation

- 1.1 To grant planning permission subject to the recommended conditions.

2. Executive Summary of key reasons for recommendation

- 2.1 The proposed amendments are not of a significant scale that would undermine the principle of a farm-stay tourist accommodation nor are they considered to have a detrimental impact on visual amenity, highways safety, surface water management or the historic environment.

3. Planning Obligations, conditions and informatives

3.1 Obligations

- 3.1.1 N/A

3.2 Conditions

- 1 – Compliance with approved drawings
- 2 – Completion of farm stay element prior to occupation
- 3 – Occupation restriction
- 4 & 5 – Flood resilience measures
- 6 – Submission of a revised surface water drainage strategy
- 7 – External lighting design
- 8 – Installation of sewage package treatment plant prior to occupation
- 9 – Prohibition of noisy works during certain hours
- 10 – Submission of landscaping scheme prior to occupation and implementation within first planting season
- 11,12 & 13 – Securing a safe vehicular access.

3.3 Informatives

- 1) Statement of positive working
- 2) Flood Zone
- 3) Bat protection
- 4) Land Drainage Consent requirement

4. Proposed development, Site and Surroundings

Background

- 4.1 In 2017, permission was granted (ref 33/17/00004) for the provision of a farm-stay tourist development, that consisted of nine holiday cottages with associated landscaping, parking, access and ancillary agricultural buildings.
- 4.2 Following consent, in 2019 a variation of condition application (ref 33/18/00028) was approved to revise the layouts of some of the plots to provide 3 bedrooms instead of 2.

Details of proposal

- 4.1 The application seeks consent to vary conditions 2 and 3 of the extant consent to amend the list of approved plans to revise the “farm-stay” elements with the proposed change of the consented calf building to form an ancillary store and rest area.
- 4.2 Condition 2 of the extant consent secures compliance with the list of approved drawings.
- 4.3 Condition 3 states: *The holiday cottages hereby approved shall not be occupied until the farm stay element (agricultural buildings/ animal shelters) as shown on the approved plan (drg no. JSC/2466/18/22) of the development has been completed.*

Reason: To ensure the development is carried out in accordance with the business plan and that the associated farm diversification benefits are realised in accordance with policy D12 of the Sedgemoor Core Strategy and policy D18 of the emerging Sedgemoor District Local Plan.

- 4.4 In respect of condition 3 and the farm stay elements, the application that is to be varied proposed a poultry area, calf building and pen, pig pen, guinea pig pen, rabbit pen and wildlife pen. This application to vary the approved plans seeks to amend these features by changing the use of the calf building to be an ancillary store/ rest area and to replace the pig pen with a calf housing shelter and pen. Additionally the wildlife pond is to be replaced with two separate ponds. The other features are to remain.
- 4.5 The other amendments to the approved drawings can be summarised as follows:
- Plot 1 to be amended to include an open-sided porch to the East elevation.
 - Plots 2 - 5 – addition of render to some elevations, change of window frame colour from brown to white, rooflights to change from conservation inset to Velux double glazed, doors to change from solid timber to timber effect and internal layout changes to the ground floor of plots 3 & 4
 - Plots 8 & 9 – replacement of timber cladding with render
 - Addition of an emergency services access track

Site and surroundings

- 4.6 The site is an agricultural field located immediately to the east of Rookery Farm, located along Northwick Road near Mark. Northwick Road is an unclassified road that is subject to the national speed limit. The proposal seeks a variation, under section 73, to a previous permission for the provision of new farm-stay tourist development comprising of the erection of nine holiday cottages, associated landscaping, parking and access and ancillary

agricultural buildings. The development has commenced with the application form stating that works started on 22nd December 2020.

5. Relevant Planning History

5.1 **33/15/00047** – Change of use of land from agricultural to caravan storage – **Granted**

33/17/00004 – Provision of new farm-stay tourist development consisting of the erection of 9 holiday cottages, associated landscaping, parking, access & ancillary agricultural buildings – **Granted**

33/18/00028 – Variation of condition 2 of planning permission 33/17/00004 to revise layouts of plots 2, 5, 8 & (to provide 3 bedrooms instead of 2 - **Granted**

6. Habitat Regulations Assessment

6.1 N/A

7. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

7.1 Consultees

Consultees	Consultee Comments (and Officer Comment)
<p>Mark Parish Council</p>	<p>Object <i>(20/08/2024) – Mark Parish Council are of the opinion that the original plans were only approved in this rural location due to the strong link to the adjoining farming complex and the need to diversify with agricultural linked tourist. This link has now been severed and the tourism units are now being extended into three bedroom properties. There is real concern that firstly this tourism site would not have been granted permission in this location without the original strong agricultural link and secondly should it now become unviable, it would be difficult to resist an application to convert the units into three bedroom residential properties in the open countryside contrary to numerous well establish planning policies.</i></p> <p><i>(11/10/2024) – Mark Parish Council Members have considered the revised plans and can see no reason to change their original strong recommendation of refusal. There is a real concern that this site will</i></p>

	<i>become a residential complex, contrary to all recognised established planning policies, "by the back door"</i>
King Alfred 1 – Matthew Martin	No response (Planning Committee member)
King Alfred 2 – Harry Munt	No response
Axe Brue Drainage Board	<p>Comment recommending conditions: <i>The proposals will increase the impermeable area of the site and therefore the volume of surface water runoff. A surface water drainage condition was applied to application 33/18/00028. This condition was discharged in 2020 on the basis of Land Drainage Consent approval by the Board for the outfall structure, this consent has lapsed prior to any works on the drainage system or outfall being undertaken and will need to be reapplied for.</i></p> <p><i>Given the time that has elapsed and the change in drainage guidance over this period, a surface water drainage condition should also be reapplied to this variation of condition, since work has already commenced on the site these details will need to be provided within a reasonable timeframe of the application approval.</i></p>
Somerset Council – Civil Contingencies	No response
Somerset Council – Coastal and Land Drainage	No response
Somerset Council – Ecology	No response
Somerset Council – Economic Development	No response
Somerset Council – Environmental Health	No comment/observation
Somerset Council – Highways	Comment

	<p><i>The proposed amendments to the site plan do not include any changes to the previously approved access arrangement to the site from Northwick Road. Slight reduction to the proposed level of car parking from 22 to 20 spaces is considered acceptable. Therefore, the Highway Authority has no formal objection to the current application. However, some observations are provided regarding the amended site plan:</i></p> <ul style="list-style-type: none"> - <i>It is not clear whether spaces 1 and 2 could be appropriately access and departed from.</i> - <i>Some car parking space are marked with a 'D'. It is unclear whether these are intended to be disabled spaces</i> - <i>No swept path drawings have been provided to demonstrate the functionality of the proposed turning area within the revised site layout, which appears to be intended for use by emergency services vehicles if required.</i> <p>Officers note: A revised site plan has been submitted to address the comments raised.</p>
Somerset Council – Lead Local Flood Authority (LLFA)	<p>Comment</p> <p><i>If there is a change to the proposed impermeable area or alterations to the design layout then an updated drainage strategy would need to be provided. Otherwise, the LLFA have no further comments on the variation of condition 2 or 3.</i></p>
Somerset Council – Planning Policy	No response
South West Heritage Trust	<p>No objection</p> <p><i>There are limited or no archaeological implications to this proposal.</i></p>

7.2 Local consultation and representation

7.2.1 In accordance with the Council's Adopted Statement of Community Involvement application 33/24/00010 was publicised by letters of notification to neighbouring properties in date. Site notices were displayed and a press advert placed as part of the initial consultation.

7.2.2 2 no of representations were received and these are summarised in the table below:

Area of Concern	Summary
Concern regarding if the link with the farm is to be retained.	Considered under principle of development section.
Concern regarding flood risk.	Principle of development in this flood zone has already been established by the original planning permission that this application seeks to vary.

7.3 Letters of support

N/A

8. **Relevant planning policies and Guidance**

8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 Relevant policies of the development plan in the assessment of this application are listed below.

Policies of the Sedgemoor Local Plan 2011-2032

CO1 Countryside
D1 Flood Risk and Surface Water Management
D2 Promoting High Quality and Inclusive Design
D14 Managing the Transport Impacts of Development
D17 Tourism
D25 Protecting Residential Amenity
D26 Historic Environment

Other Relevant Documents

Placemaking Principles for Somerset (August 2024)

The National Planning Policy Framework 2023

The revised National Planning Policy Framework (NPPF), last updated December 2023 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

- Section 6 - Building a strong, competitive economy
- Section 9 - Promoting sustainable transport

Section 12 – Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

The planning practice guidance to support the NPPF is published online.

9. Commentary on Development Plan

- 9.1 On 1st April 2023 Sedgemoor District Council became part of the new Somerset Council Unitary Authority. As set out in Local Government (Structural Changes) (General) (Amendment) Regulations 2018, if a Local Authority is going through Local Government Reorganisation, existing development plans will remain in place for the areas set out in the plan.
- 9.2 Accordingly, the pre-existing development plans of the former LPA areas remain the adopted local plans for their respective geographical areas within Somerset Council. In the Planning North area of Somerset Council the adopted local plan is therefore the Sedgemoor Local Plan 2011-2023, as adopted by Sedgemoor DC on 20th February 2019.

10. Local Finance Considerations

Community Infrastructure Levy

Not applicable for the proposed development.

11. Material Planning Considerations

- 11.1 S73 of the Town and Country Planning Act 1990 states that in relation to such planning applications local authorities “shall only consider the question of the conditions subject to which planning permission should be granted” and Government advice set out in Planning Practice Guidance (PPG) states that “local planning authorities should, in making their decisions, focus their attention on national and development plan policies and other material considerations which may have changed significantly since the original grant of planning permission”.
- 11.2 There have been no significant changes to either national or development plan policies since the original grant of planning permission.
- 11.3 The main planning issues relevant in the assessment of this application are as follows:
- Principle of Development
 - Highways Safety
 - Visual Amenity
 - Surface Water Management

- Historic Environment

Principle of Development

- 12.3 The application site lies outside of any Development Boundary and therefore any development in such locations must relate to a specific locational requirement as set out by policy CO1 of the Local Plan.
- 12.4 Policy D17 of the Local Plan sets out that new tourist accommodation in the countryside is supported where the facilities are required in conjunction with a particular countryside attraction. In respect of this development, the justification for the tourist accommodation is the provision of a “farm-stay” element that would require a rural location.
- 12.5 The principle of the tourist accommodation, with a farm-stay element, has been established by the previously approved permissions. Condition 3 of the permission that is sought to be varied seeks to secure this by ensuring that the “farm-stay” elements are to be completed prior to the occupation of the tourist accommodation. The variation is required to amend the plan that is referred to and would not seek to change any other aspect of this condition.
- 12.6 The application seeks to vary the farm-stay elements by changing the use of the previously approved calf building to be used for storage/staff welfare facilities and the replacement of the pig enclosure with a calf shelter and enclosure. All of the other farm-stay elements are to be retained and it is therefore considered that the development would remain in-keeping with the original requirements, and that the basis of the support for the principle of the development remains.
- 12.7 Concerns have been raised by the Parish Council and third parties that the proposed accommodation would be used for permanent residential accommodation and that the amendments sought have eroded the farm-stay element. It is considered that as only the pig enclosure is removed, and that the remaining animal enclosures have remained/been amended it is considered that this is not significant enough of a change that results in the significant loss of the farm stay element and therefore undermine the viability of the original business plan that the principle of the development was established for. Additionally, condition 4 of the permission secures the use of the accommodation for holiday purposes only and this condition would be carried over.
- 12.8 As the previously imposed conditions to restrict occupancy and to secure the delivery of the farm stay elements are to remain, it is considered that the principle of the proposed amendments to the consented scheme is acceptable.

Access and Highway Impacts

- 12.9 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.
- 12.10 The Highways Authority have reviewed the proposed amendments and requested additional details in respect of turning arrangements for the added emergency access track and parking spaces. This information has been provided and it is considered to be acceptable.
- 12.11 It is therefore considered that in this respect, the application complies with policy D14 of the Local Plan.

Visual Amenity

- 12.12 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.
- 12.13 The proposed amendments to the external materials are considered to be in-keeping with the surrounding area where there are other rendered properties.
- 12.14 In respect of the access track for emergency vehicles, due to the landscaping scheme and that this will be sited further within the site, views of this from public vantage points are limited and is of a size and scale that would not have a significant detrimental impact.
- 12.15 It is therefore considered that in this respect, the application complies with policy D2 of the Local Plan.

Drainage

- 12.16 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.
- 12.17 The proposed amendments will increase the area of impermeable surface due to the addition of the emergency vehicle access track. The IDB has recommended that condition is used to secure the submission of a revised surface water drainage strategy within 3 months of the approval, if permission is to be granted.
- 12.18 An informative is to also be provided to remind the applicant that Land Drainage Consent will need to be reapplied for.

12.19 It is considered therefore that this would be adequate mitigation to ensure that surface water is managed effectively and as such, the application complies with policy D1 of the Local Plan.

Impact on Heritage Assets

12.20 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.

12.21 The application site lies within the area of an archaeological site. SW Heritage have reviewed the proposal and have raised no objection the amendments sought as it is considered that this would have no or limited archaeological implications.

12.22 It is therefore considered that in this respect, the application complies with policy D26 of the Local Plan.

13. Planning Balance and Conclusion

13.1. It is considered that as the proposed amendments would not significantly alter the farm stay elements, and the previously implemented conditions to secure the delivery of this part of the scheme along with the occupancy restriction are to remain. Therefore, the development is still in line with the principle of the development that benefits from extant consent.

13.2. In respect of the other amendments sought these are of a size and scale that would not have a significant impact on visual amenity, historic environment or highways safety. A condition will be used to ensure that a suitable surface water management plan is secured to take into account the increased area of impermeable surface that is a result of the addition of the emergency vehicles access track.

RECOMMENDATIONS

Recommendation:

Approve application 33/24/00010 subject to the stated planning conditions for the following reason:

The proposed amendments to the scheme would not significantly reduce the “farm-stay” elements that the principle of the development is based on.

The proposed alterations to the material finishes are considered to be in-keeping with the surrounding area. In respect of the addition of the emergency services access track, due to the screening of the site and the scale of the track that this would not have a detrimental impact on visual amenity.

A condition would be imposed to secure a revised surface water drainage strategy to take into account the increase of impermeable surface.

The track is considered to not have a detrimental impact on highways safety and the removal of 2 parking spaces is not considered to be of such a significance that would have a detrimental impact.

Recommended Conditions:

1. 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.

2. The holiday cottages hereby approved shall not be occupied until the farm stay element (agricultural buildings / animal shelters) as shown on the submitted and hereby approved plan "Proposed Site Plan Drg No. JSC/2466/24/40B" of the development have been completed.

Reason: To ensure the development is carried out in accordance with the business plan and that the associated farm diversification benefits are realised in accordance with policies CO1 and D17 of the Sedgemoor Local Plan 2011-2032.

3.
 - a) The Holiday Cottages shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence.
 - b) The Holiday Cottages shall not be occupied by the same person or family for more than 3 months in any 12 month period.
 - c) The site operator and owners shall maintain an up to date register of the names of all owners/occupiers, including their guests, and evidence of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure the proposal is occupied in in accordance with the exceptional justification provided with the application as located within the area designated as countryside in policies CO1 and D17 of the Sedgemoor Local Plan 2011-2032.

4. The development hereby permitted shall be constructed with Finished Floor Levels set at a minimum of 5.9m AOD.

Reason: In the interest of visual amenity and to ensure that the property is not at risk of flooding in accordance with policies D1 and D2 of the Sedgemoor Local Plan 2011-2032.

5. The development shall be occupied in accordance with the Flood Warning and Evacuation Plan (FWEP) approved by planning permission ref 33/17/00004 dated 21 April 2017.

Reason: In the interest of the safety of future occupiers and to ensure that the property is not at risk of flooding in accordance with policy D1 the emerging Sedgemoor Local Plan 2011-2032.

6. Within three months of the date of this permission 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, should be submitted to, and approved in writing by, the Local Planning Authority. Discharge from the site shall be restricted to Q_{bar} or $2l/s/ha$, whichever is greater, with attenuation provided up to the 1 in 100 year plus 40% climate change event. 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. It is necessary to understand the drainage scheme in detail prior to further construction works on the site which may prejudice the surface water drainage strategy as in accordance with policy D1 of the Sedgemoor Local Plan 2011-2032.

7. Prior to occupation of the development hereby approved, 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: To safeguard the rural character of the locality as in accordance with policy D2 of the Sedgemoor Local Plan 2011-2032 and in the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

- 8.** The sewage package treatment plant shall be installed prior to the occupation of any unit in accordance with details to be submitted to and approving in writing by the local planning authority. Such plant shall be designed to cope with the maximum occupancy of all residential units.

Reason: To prevent pollution and ensure the development is properly drained in accordance with policies D1 & D24 of the Sedgemoor Local Plan 2011-2032.

- 9.** No construction work involving noisy activities (such as the use of power tools/hammering) 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 Sundays and Bank Holidays.

Reason: To safeguard residential amenity in accordance with policy D25 of the Sedgemoor Local Plan 2011-2032.

- 10.** Prior to the occupation of development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. Such a scheme shall include detailed planting plans and specifications, together with management and maintenance arrangements. Thereafter the approved landscaping scheme shall be implemented within the first available planting season. The trees/shrubs shall be protected and maintained, and dead or dying trees/shrubs shall be replaced to the satisfaction of the local planning authority for a period of five years following their planting.

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

- 11.** The proposed access shall be constructed in accordance with details shown on the approved plans and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 12.** Prior to occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) . Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 13.** At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the approved plans Such visibility splays shall be constructed prior to the occupation of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

Note(s) to Applicants:

Statement of Proactive Working

This authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged. In accordance with Article 35 (2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, the Local Planning Authority has endeavoured to work proactively in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed.

The site is located within an area identified as a flood risk area and further information can be obtained from the Environment Agency.

All Bats species and their roosts are legally protected by both domestic and international legislation as set out in full within the Wildlife and Countryside Act (1981) (as Amended) and Conservation of Habitats and Species Regulations (2017) (as amended). As such you will need to satisfy yourself that the works you have been granted consent does not impact on protected species prior to work commencing.

You may be committing a criminal offence if you:

- Deliberately take , injure or kill a wild bat
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats.
- Damage or destroy a place used by bats for breeding or resting (roosts) (even if bats are not occupying the roost at the time)

- Possess or advertise/sell/exchange a bat of a species found in the wild in the EU (dead or alive) or any part of a bat.
- Intentionally or recklessly obstruct access to a bat roost.

The applicant is advised that, prior to works commencing on site, Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991 from the Internal Drainage Board for any

construction in, or within, 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District (or from the Environment Agency for an EA Main River). There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.