

MILLFIELD ECO PROJECTS LTD

ERECTION OF DETACHED 3 BEDROOM DWELLING FOR ACCOMMODATION FOR WARDEN/MANAGER AND DEPENDANTS IN CONNECTION WITH TOURISM BUSINESS AND CARP FISHERY TOGETHER WITH SEPARATE SERVICE AND STORAGE FACILITIES AT MILL MEADOW, PARSONAGE LANE, KINGSTON ST MARY AS AMENDED

Grid Reference: 322196.129112

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval and permission be GRANTED subject to S106 to secure the following: - use of the dwelling as warden/manager accommodation for a 3 year period; plot 12 shall not be constructed until permission is granted for the permanent use of the dwelling as a warden/manager unit; in the event no permission is forthcoming for the unit within 3 years the warden/manager residence shall revert to tourism purposes only and be subject to the standard tourism occupancy condition and Plot 12 shall not be constructed.

Recommended Decision: Conditional Approval

It is considered that having regard to Taunton Deane Local Plan Policies S1, S2 and S7, the proposal is considered acceptable in order to satisfy the demonstrated need on the the site for tourism/fishery activities and would not adversely impact upon highway safety, residential amenity or the character or appearance of the area. As such the proposal would accord with government guidance contained within PPS7 and the Good Practice Guide for Tourism, and material planning considerations do not indicate otherwise.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) Dr No. 10 Rev D - Block Plan.

(A3) Warden/Manager Accommodation Ground/First Floor Plan.

(A3) Warden/Manager Accommodation Elevations.
(A3) Service & Storage Facility Elevations Drawing No.s SSF/W01;
SSF/E01;SSF/S01;SSFN01
(A3) Service & Storage Facility Ground & First Floor Plan. Drawings No.s
SSF/G01 & SSF/F01
(A4) Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to commencement of development samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4.
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. Prior to the occupation of the development hereby permitted, a Flood Warning and Evacuation Plan must be submitted to, and agreed in writing with, the Local Planning Authority. The approved plan must identify an alternative, safe, dry access route to be used in the event of a flood. The approved plan must be maintained and operational for the lifetime of the development.

Reason - To ensure that the risk of flooding to people is not increased as a result of the development in accordance with PPS25.

6. No building hereby permitted shall be occupied until surface water drainage

works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- ii. include a timetable for its implementation; and

provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem in accordance with PPS25.

7. Prior to the occupation/use of the building(s) the recommendations of the County Contract's ecological assessment dated 20 January 2010 shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

The development shall not be occupied/brought into use until the scheme for the maintenance and provision of the new bat and bird boxes with related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason - To protect wildlife and their habitat from damage in accordance with PPS9.

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions, additions or other alterations (including dormer windows), outbuildings or enclosure, or fencing shall be carried out without the further grant of planning permission.

Reason: In order for the Local Planning Authority to ensure the size of the dwelling is commensurate with the functional need of the business and to assess the impact of such development on the character and appearance of the area and amenity of local residents in accordance with Policy S1 and S2 of the Taunton Deane Local Plan.

Notes for compliance

1. The applicant is advised that the alternative access route must be demonstrated to lie wholly above the 1 in 100 year flood event through a detailed topographical survey.
2. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that may be affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity undertaken on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation.

PROPOSAL

Planning permission is sought for the erection of a permanent dwelling to enable a warden/manager to be available on site. The justification for the on site presence relates to both the tourism business and to fulfil the requirements of the carp fishery and rearing venture. In addition permission is sought for the erection of a service and storage building. The terms of the application have now been revised. The applicant now seeks the erection of a dwelling with a temporary 3 year consent in lieu of an existing plot. In the event that permission is not granted for a permanent use of the building for a warden/manager the unit would revert back to tourism use only and Plot 12 would not be constructed, retaining the same level of tourism units.

The proposed siting of the development would be to the east of the existing lake, immediately to the south of approved plots located at the northern end of the site. The design of the warden/manager accommodation would be of a timber chalet appearance featuring timber cladding, under a tiled roof. The footprint of the building is 10.3m x 11.2m and would provide a 3 bedroom dwelling, with a ridge height of 7.5m, one metre higher than the adjacent tourism units. The service building would have a footprint of 13.7m x 6.0m. The internal layout indicates the provision of linen store, laundry, storage and workshop at ground floor level and additional storage at first floor. The proposed design of both buildings incorporate sustainable principles, including rain harvesting, biomass heat source, and solar energy, to achieve a carbon neutral construction.

The application is accompanied by a business plan for the site; accounting information; description of the duties of the warden/manager in relation to both the tourism and fishery elements; wildlife report, flood risk assessment, and additional supporting information.

SITE DESCRIPTION AND HISTORY

The site was bought in 1991 and developed as a horticultural nursery in conjunction with a landscape business. In 1991 planning consent was granted, on appeal, for an agricultural dwelling adjacent to the nursery.

In the mid 00's the nursery site became redundant. In 2005 permission was granted for five units of holiday accommodation, reference 20/05/0005, with an additional 13

units approved under reference 20/05/0022. Mill Meadow therefore has permission for a total of 18 eco lodges with an additional two tourism units granted consent for the conversion of existing buildings on site, making a total of 20 units across the site. The units are subject to a condition restricting the use to tourism purposes only. The wording of the condition was varied at appeal.

An application for warden accommodation was previously withdrawn, reference 20/06/0017, following a recommendation to the Planning Committee for refusal. The recommendation was put forward on the grounds of insufficient justification for a warden to be on site. It is noted that at that time only one log cabin had been constructed and the fishery enterprise was not been run as a commercial venture.

The agricultural tie in connection with the adjacent Millfield House was lifted as a result of planning application 20/07/0026.

The site is located to the south of the Kingston St Mary Conservation Area and is outside of the settlement limits of the village. The site is not located within the designated Area of Outstanding Natural Beauty, which is located to the north. The site is part of an established tourist facility consisting of four holiday units and a fishing lake and is well screened due to the existing landscaping.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL – The Parish Council objects on the following grounds: -

- It would result in overdevelopment of the site
- The last conditional planning permission on this site, in 2007, stated ‘The Local Planning Authority consider that any further development on this site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Policies S1 and S2’.
- The proposed accommodation for the warden and his/her family would be a permanent three-bedroom family residence – outside the settlement limit – on a site where previously permission has only been given for holiday units which cannot be occupied as full time homes throughout the year.
- The four holiday units so far constructed at Mill Meadow do not warrant a manager living on site.
- The applicant’s home and registered office is adjacent to the site – originally built as a manager’s house for the former nursery – and is ideally suited for the supervision of the holiday accommodation.

HIGHWAY AUTHORITY – The proposal would make use of the existing access which has been improved under previous applications at this site. As such it is able to provide sufficient width for two way vehicle flow and good visibility in either direction. During pre-application discussion there was concern the proposal would see an increase in vehicle movements from the existing access. However, permission was granted in 2005 for a new driveway. Therefore it was concluded that if this driveway were to be completed then the existing dwelling would not utilise the access to Mill Meadow.

It is therefore concluded that the proposed vehicle movements from the new dwelling will replace the existing movements associated with the main residential property. No objection.

ECONOMIC DEVELOPMENT – From an Economic Development point of view we would support this application. The business at Mill Meadow is moving forward and fits with the Taunton Deane Economic Strategy. The sustainable principles upon which the business is based are encouraged due to the green/ecological focus.

ENVIRONMENT AGENCY – The EA initially objected on the absence of a Flood Risk Assessment. A copy of the Flood Risk Assessment together with a Flood Warning and Evacuation Plan were subsequently submitted to the Environment Agency. The Environment Agency do not raise any objections to the proposed development subject to the imposition of a condition requiring the submission of a plan identifying an alternative, safe, dry access route to be used in the event of a flood.

DRAINAGE OFFICER – I note the Environment Agency's request that a Flood Risk Assessment be carried out. I also note that surface water is to be disposed of via SUD's techniques. Full details should be submitted for approval before any works commence on the site.

LANDSCAPE OFFICER – Subject to the retention of existing vegetation the new dwelling should be well screened.

NATURE CONSERVATION & RESERVES OFFICER – No objections subject to the imposition of a condition requiring the works to be implemented in accordance with the submitted ecological assessment. Note re protected species.

Representations

8 letters of OBJECTION has been received. Summary of objections: -

- The former nursery site has relocated, the dwelling built for the Nursery Manager is vacant and can be used for the Warden as and when the site is developed;
- Speculative housing on agricultural land;
- What happened to the previous application to convert an office block into accommodation for a Warden and family?
- If a Warden/Manager is to be moved into the area, why can they not be housed in one of 18 units previously approved?
- Outside of the settlement limits. Contrary to TDBC Local Plan and Kingston St Mary Parish Council;
- Parsonage Lane is too narrow and proposal would give rise to an increase in traffic movements through Mill Cross along Kingston Road – highway safety implications.
- Original permission for 5 units was to provide accommodation for cyclists / walkers. The site has since ballooned despite objections and despite a covenant on the land to the contrary;
- To date there has been no tourist activity, nor economic benefit to the economy;
- Viability of the site is unproven;
- No dwellings have been sold despite reduction in price therefore no functional need;
- No need to be on site;
- Security of the site is already managed by the owners who live on site;

- Tie needs to be imposed in the event of consent been given;
- Proposed would set a precedent for other businesses located in rural areas.

6 letters of SUPPORT have been received. Summary of support:-

- Mill Meadow makes a valuable contribution to the rural economy and with the patronage of guests help to boost the village's facilities e.g. public house/post office;
- Anything that will help the enterprise to maintain the provision of high quality accommodation to attract visitors to the village and surrounding area can only be a positive;
- Provides security on site.
- Investors expect to have an on site warden to provide high level of customer service when in residence and security when not;
- West Somerset Railway support the application as a destination for many of the guests making journeys on the WSR;
- Mill Meadow support the WSR through making bookings on visitors behalf;
- Taunton Chamber of Commerce supports the application for the following reasons:-
- This type of business is exactly the sort of enterprise that is at the core of what Taunton Deane needs to win and retain quality businesses;
- The enterprise is now up and running and growing successfully;
- The company has provided the relevant information and technical points raised;
- The addition of suitable warden accommodation is vital to enable our member company to move the business on and attract substantial investment for its growth – which can in turn only benefit the Deane by providing a growing, quality, sustainable green business;
- The TDBC economic strategy includes enterprises such as Millfield Eco Projects at its centre as sustainable, carbon neutral, high quality business that attracts tourists/visitors.
- Those visitors in turn spend within the Deane;
- If TDBC are unable to assist and support this sort of enterprise who would the Deane support in order to attract and retain sufficient numbers of businesses and enterprises to stop us simply becoming a dormitory town?
- The Deane supports financially the Inter Somerset programme that is designed to attract businesses similar to the Millfield Eco Project to Somerset. Given the difficulty facing this application, what message does that send to other businesses looking to come to Somerset?

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS3 - Housing,
 PPS4 - Planning for Sustainable Economic Growth,
 PPS7 - Sustainable Development in Rural Areas,
 PPS9 - Biodiversity and Geological Conservation,
 PPG13 - Transport,
 GPGT - Good Practice Guide on Planning for Tourism,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP1 - S&ENP - Nature Conservation,
 S&ENPP5 - S&ENP - Landscape Character,

S&ENPP19 - S&ENP - Employment and Community Provision in Rural Areas,
S&ENPP23 - S&ENP - Tourism Development in the Countryside,
S&ENPP48 - S&ENP - Access and Parking,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EC7 - TDBCLP - Rural Employment Proposals,
EN12 - TDBCLP - Landscape Character Areas,
EN28 - TDBCLP - Development and Flood Risk,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

It is considered that the following key considerations are pertinent to the assessment of this application: -

- (a) whether the proposed dwelling would conflict with development plan policies and national planning guidance designed to protect the countryside and achieve sustainable development objectives and, if so, whether the arguments put forward are sufficient to justify an exception in this case;
- (b) the effect of the proposed development on the character and appearance of the landscape;
- (c) flooding;
- (d) highway safety; and,
- (e) impact on residential amenity.

(a) Development Plan Policy and Other Material Considerations.

The site is located outside of the defined settlement limits of Kingston St Mary, where development should be strictly controlled. It is a cornerstone of government guidance that isolated new houses in the countryside require special justification. The Mill Meadow site has permission for 20 units of holiday accommodation, of which four are currently built and operational. Of the four units in operation two are new build eco-lodges and two are conversion of existing buildings. The business plan for the tourism enterprise is based on providing high quality customer service to cater for the demands of visitors and to attract additional investors to the site, which would be more appealing with the presence of an onsite warden. In order to increase the viability of the enterprise the applicant has also sought to operate a specialist carp rearing fishery and to continue to grow this element of the business on a commercial footing.

The tourism enterprise is supported by both the Council's economic officer and the president of Taunton Chamber of Commerce. Both support the business model of providing high quality eco-development and recognise the high level of service expected at the top end of the market. The applicant has submitted a range of national media articles in recognition of the business's eco-credentials. The applicant has also submitted for information purposes the log book recording visitors' experience of Mill Meadow. The applicant and Chamber of Commerce have made reference to the Council's 'Grow and Green' economic development strategy for Taunton Deane. The eco-cabins can and do play an important role in the tourist sector providing high quality accommodation to visitors to the Borough. It is accepted that providing additional high levels of customer service will help to increase the

viability of the business. The provision of a modest service building is considered acceptable to fulfil the function of laundry facilities on site in connection with the tourism enterprise. The question however, is whether the service levels and duties of the warden/manager, including the fishery element, can be achieved without an on-site residential presence.

Government guidance expects most tourist accommodation requiring new buildings to be located in or adjacent to, existing towns and villages. This site has been accepted for tourism purposes. The provision of high quality tourism development within the Borough has previously been supported on the basis it can aid diversification of the rural economy and support local businesses and facilities. The Best Practice Guide for Tourism sets out the importance of tourism to the economic, social and environmental well-being of the country. Paragraph 24 of the Best Practice Guide states for many type of holiday parks, a residential managerial presence is often essential, to achieve high quality service to the customer, security for the property, and to meet the obligations of health and safety regulations. The requirement for an on site presence will however relate to the type, scale and nature of the tourism business.

Local Plan Policy H12 (Agricultural or Forestry Workers) has not been saved and therefore Annex A of PPS7 sets out the criteria for assessing agricultural and forestry workers applications (and other rural based enterprises). In these cases, the enterprise itself, including any development necessary for the operation of the enterprise, must be acceptable in planning terms and permitted in that rural location. The guidance also directs Local Planning Authorities to apply the same stringent levels of assessment as they apply for agricultural and forestry workers' dwellings, to the extent that they are relevant to the nature of the enterprise concerned. Government guidance requires applications for such workers dwellings to be scrutinised thoroughly to ensure that there is no abuse of the planning system. The application was made on the basis of a permanent unit of accommodation for the warden/service manager. In order to provide technical advice on the submission Kernon Countryside Consultants (KCC) were commissioned to appraise submission. The contents of the appraisal are incorporated into this report. It should be noted that the appraisal was undertaken on the basis of a permanent unit of accommodation for a warden/manager.

Paragraph 3 of Annex A of PPS7 sets out the tests for allowing new permanent dwellings to support existing agricultural (or in this case rural-based tourism enterprise) units, providing:

- (i) there is a clearly established *existing* functional need;
- (ii) the needs relate to a *full-time* worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
- (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- (iv) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remain so;
- (v) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (vi) other planning requirements, e.g. in relation to access, or impact on the

countryside, are satisfied.

Functional Test

Paragraph 4 of Annex A sets out that a *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times, for example if workers are needed to be on hand day and night. For the functional test to be satisfied it has to be demonstrated that a worker needs to be on hand day and night in case activities / operations require essential care at short notice or to deal with emergencies.

When considering the need to live on site it is necessary to consider the types of problems that could occur, when they are likely to occur and how frequently they are likely to occur. If the problems / emergencies or indeed any other reasons why it may be judged essential to live on site are likely to occur during part of the normal working day (however long that may be) then it follows that these can be dealt with as part of the day to day work routine and do not warrant an on-site worker living on site.

The supporting information sets out a list of the warden's main duties. These include:

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Maintenance to grounds

- Grass cutting
- Hedge Pruning
- Managing designated wildlife areas and monitoring diversity
- Clean and maintain roadways
- Inspect overflow system from lake and remove blockages
- Inspect culvert on stream under Parsonage Lane and remove blockages
- Ensure compliance with the Flood Risk Assessment recommendation
- Routine & specialist maintenance to lodges
- Inspect and service rain harvesters
- Maintain ground source heat pumps
- Clean windows
- Clean and treat external boarding
- Minor repairs to roofs
- Clear rainwater gutters
- Daily cleaning of internals
- 24 hour call out for emergencies

Guest Services

- Welcome and guide guests on workings of lodge
- Receive prior to arrival pre-ordered groceries
- Provide guidance on local attractions, arrange bookings, concierge duties
- Routine and emergency service issues
- Drive courtesy transport as part of green transport policy to minimise visitor car numbers
- Process waste items for recycling

Fishery Duties

- Multiple daily health checks on stock and water conditions
- Infection control – a statutory requirement
- Issue permits to fish
- Provide advice to guests
- Daily feeding linked to daily conditions
- Security – carp is an expensive stock

Administrative

- Maintain a register in compliance with planning condition
- Ensure the rules are observed and enforced
- Manage any visiting contractors
- Manage and police all entries to site
- Provide 24 hour security
- Manage and fulfil all Health and Safety requirements.
- Carryout such other tasks as required to facilitate the effective running of the business.

The KCC appraisal assessed the scheme against the existing situation i.e. four tourism units. It considered that the majority of the tasks undertaken by the warden in relation to the tourism element would be performed as part of the normal working day and it would not be essential to the proper functioning of the business for a worker to be readily available at most times. The appraisal considered that security could be provided by a security guard; requests by guests initiated by mobile phone could continue - albeit it would take a warden living off site longer to respond in the case of an emergency outside of normal working hours; in terms of checking in guests it is normal practice for guests to check in within a specified time or to make special arrangements and on the basis of four units it is not considered to substantiate the need for an on-site presence. It is considered that with regards the tourist element, whilst it would obviously be more convenient for a warden/manager to live on site it is not considered to be essential to the proper functioning of the holiday accommodation enterprise on the basis of four operational units.

The applicant has submitted appeal statements to support his proposal. The appeal at South Combe Water, Cullompton, for a manager's dwelling relates to a site comprising both holiday units and fish farming venture, in an isolated location, the Inspector concluded: -

I consider that it is necessary for someone to be readily available at most times for the welfare of the fish. Security, customer service, health and safety and maintenance are other matters that contribute to the need for manager's accommodation, but would not in themselves justify on-site provision' (para 18).

The fishery venture is a new enterprise for the business, albeit the former water storage lake has been stocked with fish for a number of years. The proposal includes diversifying in terms of harvesting and the planned intensification of the stocking levels and progression into fry rearing. Two fry tanks have been procured. In terms of the functional need for a warden to be on site the applicant has submitted details of the requirements for standards of husbandry, which will increase as the level of stocking is increased. The KCC appraisal advises that in their opinion it is not considered to be essential to the proper functioning of the fishery enterprise for a worker to be readily available at most times. However as the level of stock in the main lake increases and the applicant develops the rearing pond, the potential need

to be readily available in connection with the fishery enterprise will develop.

It is considered therefore that the fishery element in its current form would not constitute a functional need. However, there is evidence that if the applicant continues to develop that side of the business there would be a case for a functional on site presence.

Financial Test

PPS7 requires that 'the unit and agricultural activity concerned shall have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so'.

The holiday accommodation has been established since July 2008 i.e. the opening season for visitors to the site. It is less clear when the fishery enterprise became established as there have been fish in the lake for a number of years. The agent has responded that the lake has been stocked with carp since 2008. The rearing pond has not been established and accordingly the business fails to meet the first element of the financial test that the activities have been established for a three year period.

The second part of the test requires the activities to have been profitable for at least one of them. It is generally accepted that the level of profit should cover the full-time wage of the worker employed. This application (originally) relates to a permanent building/use rather than a temporary dwelling and accordingly the policy requirement is that the business *has* been profitable rather than *will* be profitable. The KCC appraisal identifies that the submitted accounts do not demonstrate that the activities (tourism / fishery) have been profitable and are of the opinion that there is no clear evidence of doing so.

Other accommodation

In regards to the suitability and availability of other dwellings in the vicinity the applicant has stated that the existing dwelling, Millfield House, is in private ownership and not available for warden's accommodation and would not reasonably be considered available due to the valuation of the property. The application is submitted by the Millfield Eco Projects Ltd.

Amendment to the terms of the application

The recommendation of the Kernon appraisal was that the proposal in its current form did not justify the presence of an on-site warden/manager. The applicant disputes the contents of the appraisal. Officers' agree with the response of Kernon is so far as the application is submitted as a permanent unit of accommodation for a warden/manager at this stage. The tourism business has only four units constructed and in operation and the commercial fishery venture would need to grow in line with the proposed business plan to justify a functional need. Likewise, both elements would not pass the financial tests at this point in time. In order to provide a low risk strategy to enable the applicant to continue to grow both elements of the business and to attract additional investment into the site an alternative approach was agreed.

It is considered the proposal would accord with the tests set out for temporary agricultural (rural based enterprises) on the basis that there is clearly a firm intention and ability to develop the enterprise. In terms of functional need the Kernon

appraisal was based on the requirements for a permanent dwelling/use, the business plan for a further 16 units (with planning permission) and the fishery diversification when taken together is considered to comprise a functional need. The application sets out the financial basis for the proposal which requires significant investment to proceed with the project.

The provision of a S106 agreement would enable the warden/manager unit to be permanently built as proposed. However, this unit would be subject to a three year temporary permission in order for the applicant to demonstrate the functional and financial tests for a permanent use of the building for a warden/manager are passed. In the event that the applicant is unable after the three year period to demonstrate that the business can satisfy the tests set out in PPS7 the unit shall revert back to a tourism unit in accordance with the tourism condition imposed on the other units on site. The applicant would forego the building of Plot 12 until the remainder of the tourism units are completed and permission is granted for the permanent use of the warden/manager unit for such use. In the event that no permission is forthcoming for the permanent occupation of the building for a warden/manager Plot 12 shall not be constructed. This would ensure that the same numbers of tourism units are on the site in the event an application for the warden/manager on a permanent basis were to fail.

(b) Character and Appearance

The design of both the warden's accommodation and service building draw upon the existing appearance and materials of the approved log cabins, featuring timber cladding under a tiled roof. The scale of the warden's accommodation and service building is considered to be commensurate with the overall tourism site, once completed. The site is positioned adjacent to the lake and well positioned in relation to the fishery element but less so in relation to meeting visitors. The site is well screened and the landscape officer has raised no objections to the proposal. In landscape terms, subject to justifying the need for the development, the proposal would have no significant adverse impact on the landscape. The design and materials would help to assimilate the proposal in its environs and would not prejudice the approved layout of the wider scheme.

(c) Flooding

The siting of the proposed dwelling and service building is located in Flood Zone 1. However the access and egress to the Mill Meadow site is located with Flood Zone 3. The Environment Agency is satisfied that subject to the imposition of a condition requiring the submission of a plan indicating an alternative safe, dry access in the event of a flood and a Flood Warning and Evacuation Plan the proposal is acceptable.

(d) Highways

The representations of local residents in respect of the highway network in the proximity of the site are noted. However, the Highway Authority do not raise an objection to the scheme and it is therefore considered it would be unreasonable to substantiate an objection on such grounds.

(e) Amenity

It is considered by reason of the siting and scale of the development and the separation distances from local residents the proposal would not give rise to any adverse impact.

Conclusion

The green credentials and economic benefits of the existing holiday business are noted and supported. The applicant has undertaken to provide a high quality eco-lodge development with customer service levels to match, in order to attract the top end of the tourism market, which would have an economic spin off for the rural economy. The provision of a service/laundry facility would aid the level of facilities that the business can provide on site. The expansion of the fishery element of the business will enable increased leisure activities for visitors and provide increased income to support the viability of the enterprise. The above is not in question. Officers' consider that the proposed amendment to the terms of the application address the concerns expressed by the Kernon appraisal in so far as the temporary permission of the new dwelling for three years will enable the business to grow whilst providing a low risk. The S106 requirements would ensure that in the event that the applicant cannot demonstrate that the functional and financial tests are met the building would revert to tourism uses only in lieu of an approved plot on site. The temporary three year consent will ensure the welfare of the fish stock and allow the expansion of the fishery diversification. The ability to provide an onsite presence for high levels of security, customer service, health and safety and maintenance requirements will help attract additional investment in order to complete the construction of the remaining units on site. It is therefore recommended that subject to the completion of a S106 that permission be granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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