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Mr M Seager
Lower Easton Farm
Easton Lane
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Shepton Mallet
BA4 6SY

NOTIFICATION OF DECISION

**TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

Application Type: Full Application **Application No:** 2020/0350/FUL

Location of Development: Lower Easton Farm Easton Lane Pylle Shepton Mallet BA4 6SY

Description of Proposal: Erection of 4 poultry houses and associated works.

Application submitted by: Mr M Seager

MENDIP DISTRICT COUNCIL, being the Local Planning Authority for the said District, hereby **GRANTS PLANNING PERMISSION** to carry out the development proposed in the application validated on 18 February 2020, in accordance with the application, plans and drawings submitted and subject to the condition(s) set out below:

Conditions

- 1. Standard Time Limit (Compliance)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.
- 2. Plans List (Compliance)**
This decision relates to the following drawings: 127504, 127505, 200-01A, 200-02B, 200-03A, 200-04B, 200-05B, 200-06B 200-07, 200-08 and 200-09B rec'd 30th Sept 2020.
Reason: To define the terms and extent of the permission.
- 3. Materials (Compliance)**
The development hereby approved shall be carried out using external facing and roofing materials as specified on the application plans.
Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Hours of Use - Industrial Use (Compliance)**
No on-site commercial vehicle (including fork lift trucks) movements, vehicle loading or unloading operations shall be carried out, except within the following times:
 - a. Mon - Fri - 07:00 hours till 21:00 hours
 - b. Saturday - 07:00 hours till 21:00 hours
 - c. Sunday - 07:00 hours till 21:00 hoursReason: To safeguard the amenities of nearby occupiers in accordance with Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
5. **Delivery Hours (Compliance)**
Delivery vehicles unloading/loading at the premises shall not, whilst stationary, use engine powered refrigeration between 21:00 hours till 07:00 hours unless otherwise first approved in writing by the Local Planning Authority.
Reason: To safeguard the amenities of adjoining occupiers having regards to Policies DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
6. **Fixed Plant and Machinery (Compliance)**
All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, exceed the existing background noise level at any time by more than -5dB(LAeq, 15minutes) at any residential property when measured and corrected in accordance with British Standards BS4142:2014 and BS7445: 2003 (including any future amendments to the standards).
Reason: To protect the amenities of the occupants of residential properties in accordance with Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
7. **Pest Management (Compliance)**
The control and pest mitigation measures contained within the submitted 'Pest (Flies) Management Plan' [Date published 21st April 2020] shall be implemented in full prior to commencement of use of the site. The site operation shall thereafter be carried out in accordance with the approved details and the plant shall not be operated on the site other than in accordance with the approved scheme.
Reason: To safeguard the residential amenities of occupiers of nearby properties in accordance with Policy DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
8. **Waste Management Plan (Pre-commencement)**
No development shall take place until a Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details for the method and relocation of the removal of waste from the site to an area outside of the Somerset Levels and Moors Ramsar Risk Area. The approved Plan shall be retained in perpetuity and yearly statements submitted to the Local Planning Authority to confirm compliance with this condition.
Reason: To prevent ecological harm and to safeguard the residential amenities of occupiers of nearby properties in accordance with DP5, DP6, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
9. **External Lighting (Bespoke Trigger)**
No works shall be undertaken on erection of floodlights / security lighting unless details (including details of the measures taken to minimise light pollution) of the surrounding lighting have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained in accordance with the approved details.

Reason: To avoid harm to bats and wildlife and to protect the amenities of occupiers of other premises in the vicinity in accordance with DP5, DP6, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **Archaeology - Controlled Excavation (Pre-commencement)**

No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the Council will wish to examine and record items of interest discovered in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because archaeological remains and features may be damaged by the initial development works.

11. **Archaeology - Post Excavation and Publication (Pre-occupation)**

No occupation of the development shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the Local Planning Authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the Local Planning Authority.

Reason: The site has produced significant archaeological findings and the Council will wish to publish or otherwise disseminate the results in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

12. **Vehicular Access (Compliance)**

The proposed access shall be constructed in accordance with details shown on the submitted plan, Access Layout Dwg No: BTC-20037-P01-P2 and Proposed Block Plan Dwg No: 200-02C, and shall be available for use before occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: To ensure that suitable access is provided in the interests of highway safety in accordance with Policies DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

13. **Parking (Compliance)**

The areas allocated for manoeuvring and parking on Site Layout Swept Path Analysis Dwg No: BTC20037/SPA02/P2, Proposed Block Plan Dwg No: 200-02C, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and safe parking is provided in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **Visibility Splay (Pre-occupation)**

No occupation of the development shall commence until the visibility splay shown on drawing number 200-07A has been provided. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall be retained permanently thereafter.

Reason: To ensure sufficient visibility is provided in the interests of highways safety in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Travel Plan (Pre-commencement)**

No development shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details for the method of access to the site from the A37 along Easton Lane. The approved development shall only be used in accordance with the approved travel plan thereafter.

Reason: To prevent ecological harm and to safeguard the residential amenities of occupiers of nearby properties in accordance with DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

16. **Public Footpath Diversion (Pre-commencement)**

No development hereby approved which shall interfere with or compromise the use of footpath SM 9/23 shall take place until a path diversion order has been made and confirmed, (and the diverted route made available to the satisfaction of the Local Planning Authority).

Reason: To ensure that safe operation of the highway and the safety of public using the Public Right of Way in accordance with Policy DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and Chapter 9 of the NPPF. This is a pre-commencement condition because any initial construction or demolition works could have a detrimental impact upon highways safety and/or residential amenity.

17. **Hard and Soft Landscaping (Compliance)**

All hard and/or soft landscape works shall be carried out in accordance with the approved details shown on 200-09B. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme (phasing) agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Advice Note:

1. Condition Categories

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application) and made payable to Mendip District Council. The request must be made in writing or using the Standard Application form (available on the council's website www.mendip.gov.uk). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
3. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <http://www.sedgemoor.gov.uk/SomersetBCP/>
5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
6. Due to the former agricultural use of the land a watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks. If any unforeseen contamination is found during excavations

Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.

7. The applicant will be required to enter into a suitable legal agreement/ highway license with the Highway Authority to secure the construction of the highway works necessary as part of this development. The applicant is advised of the need to consult the Highways Department, Somerset County Council (Tel:- 01458 837100) prior to commencing works adjacent to the public highway.
8. Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.
9. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Date of Decision: 29 September 2021



Julie Reader-Sullivan
Head of Service Planning and Growth

NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or to approve it subject to conditions, you may appeal to the Secretary of State under Section 78 and 79 of The Town and Country Planning Act 1990, Section 20 of The Planning (Listed Building and Conservation Area) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisements) Regulations 1992.

- You must appeal within 6 months of the date on the decision notice (12 weeks for Householder applications, 8 weeks for Advertisement consent)
- Appeals must be made using a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at: <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990 and/or Section 32 of The Planning (Listed Building and Conservation Area) Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990, Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in respect of Tree Preservation Orders, Section 203 of The Town and Country Planning Act 1990.

NOTES IN RESPECT OF ALL APPLICATIONS

- Although Planning Permission or Advertisement Consent may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building, Listed Building Consent may also be required before work commences.
- If Planning Permission has been granted for the development, should this involve any work within the highway such as the construction of a vehicular access, the consent of the County Council, as Highway Authority should also be obtained - <https://www.somerset.gov.uk/roads-and-transport/>
- This permission does not authorise you to stop up or divert a public right of way to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from: <https://www.somerset.gov.uk/waste-planning-and-land/public-rights-of-way/>
- If planning permission has been granted for development involving the creation of one or more properties needing new addresses you will need to contact the Street Naming and Numbering department, Mendip District Council, for assignment of the official address/es. Details are available at www.mendip.gov.uk/snn

