



Customer Services
Cannards Grave Road, Shepton Mallet, Somerset BA4 5BT
Telephone: 0300 303 8588 Fax: 01749 344050
Email: customerservices@mendip.gov.uk
www.mendip.gov.uk

Chris Beaver
Spaces Northgate House
Upper Borough Walls
High Street
Bath
BA1 1RG

A & N Kirkham
Mount Pleasant Farm
Wells Road
Norton St Philip
Frome
Radstock
Somerset
BA3 5XH

Application Number: 2020/2516/FUL
Date of Application: 9th December 2020
Application Type: Full Application

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

THE MENDIP DISTRICT COUNCIL, being the LOCAL PLANNING AUTHORITY for the said District, hereby **GRANT PLANNING PERMISSION** to carry out the development described in the application validated on 9th December 2020 subject to conditions hereunder stated.

Proposal: Change of use of Farm Stores (01-04) to Workspace (Class E) and associated works.
Location: Mount Pleasant Farm Wells Road Norton St Philip Radstock Somerset
Parish: Norton St Philip Parish Council

DECISION: Approval with Conditions

REASON FOR APPROVAL

1. The proposal accords with the Council's settlement strategy for the location of new development given it would support the rural economy and be provided in a manner and scale appropriate to its location.

The proposal, by reason of its design, scale and layout would be in keeping with its surroundings.

The setting of adjoining Listed Building/s would not be harmed.

The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users.

The means of access and parking arrangements meet the required safety standards and will ensure the free flow of traffic on the highway.

All practical measures for the conservation of energy have been included in the design, layout and siting of the proposal.

The proposal makes adequate arrangements for the protection of biodiversity.

The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:-

o CP1 (Mendip Spatial Strategy), CP3 (Business), CP4 (Sustaining Rural Communities, DP1 (Local Identity), DP3 (Heritage), DP4 (Landscape), DP5 (Biodiversity), DP6 (Bats), DP7 (Design and amenity), DP8 (Environmental Protection) DP9 (Transport), DP10 (Parking), DP21 (Town Centre Uses), DP22 (Reuse and Conversion of Rural Buildings) DP23 (Flood Risk) of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014)

National Planning Policy Framework

Planning Practice Guidance

The Countywide Parking Strategy (2013)

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:

020-00 P1 LOCATION PLAN

020-035 P1 LANDSCAPING MASTERPLAN

1729 AL (0)43 REV C EXISTING AND PERMITTED PLAN

1729 AL (0)44 REV F PROPOSED KEY PLAN

1729 AL (0)46 REV F PROPOSED WORKSPACE GROUND FLOOR PLAN

1729 AL (0)47 REV E PROPOSED WORKSPACE ELEVATIONS

1729 AL (O)45 REV F PROPOSED SITE PLAN

Reason: To define the terms and extent of the permission.

3. **Removal of Permitted Development Rights - Use Class (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning General Development Order 2015 (as amended) the premises hereby approved shall be used only for purposes within Class E(g) of the of the schedule to the Use Classes Order.

Reason: The approved use only has been found to be acceptable in this location and other uses within the same use class may require further detailed consideration by the Local Planning Authority.

4. **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 DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the parking and turning areas have been constructed in accordance with details shown on the approved plans. The parking and turning areas shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained 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).

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

All hard and/or soft landscape works shall be carried out in accordance with the approved details. 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).

7. **External Lighting (Bespoke Trigger)**

No new external lighting shall be installed within the boundary of the application site unless in accordance with details including a "lighting design for bats" that shall 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 design for bats" shall demonstrate that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. The approved lighting shall thereafter be installed, operated and maintained in accordance with the approved details.

Reason: To avoid harm to bats and wildlife; safeguard residential amenity; and in the interests of the rural character of the area in accordance with DP1, DP4, DP5, DP6, DP7 and DP8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Glazing (Bespoke Trigger)**

Prior to the installation of any glazing on the north-eastern and south-western elevations of the development, details of glazing that limits light spillage so that light levels do not adversely disturb bats and other species using their territory or having access to resting places; and provides measures to reduce the risk of bird strike shall first be submitted to and agreed in writing by the Local Planning Authority prior to the installation. The approved glazing and measures shall be installed, implemented and maintained as agreed for the duration of the development.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European Protected Species and bird Species of Principal Importance listed under Section 41 of the Natural Environment and Rural Communities Act 2006 and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Biodiversity Enhancement (Net Gain) (Pre-occupation)**

No occupation shall commence until the following have been installed within the application site:

a. A free-standing bee box incorporated into the walled garden, the entrances for bees should be positioned facing south or south-east and at a height of 1m above the ground to prevent vegetation blocking access.

b. Two bat boxes (Shwegler 1FF) on mature trees at the boundaries of the site, facing south or west, at a height above 3m.

c. One Schwegler 1B and one Schwegler 2H bird boxes on mature trees at the boundaries of the site, facing east or north, at a height above 3m.

Reason: To provide biodiversity net gain in accordance with Policies DP5 and 6 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework."

10. **Drainage - Infiltration Testing (Pre-commencement)**

No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the occupation of the development.

Reason: To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and section 14 of the National Planning Policy Framework. This is a condition precedent because it is necessary to understand whether soakaways are appropriate prior to any initial construction works which may prejudice the surface water drainage strategy.

NOTES

1. 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.

2. **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 £116 per request (or £34 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.

3. The developers and their contractors are reminded of the legal protection afforded to bats and their roosts under legislation including The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). In the unlikely event that bats are encountered during implementation of this permission it is recommended that works cease, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

4. The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
5. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
6. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.
7. 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/>
8. 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.



Julie Reader-Sullivan
Planning and Growth Group Manager

If you have any queries regarding this notice please contact our Customer Services Team on 0300 303 8588

Dated 25th February 2021