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Aspris Children's Services Limited
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NOTIFICATION OF DECISION

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

Application Type: Variation or Removal of Conditions **Application No:** 2023/1286/VRC

Location of Development: North Hill House Fromefield Frome Somerset BA11 2HB

Description of Proposal: Application to vary condition 8 (Student capacity (Compliance)) of planning approval 2022/2495/FUL to read "The Day School hereby approved shall have limited student capacity of 88 pupils only".

Application submitted by: Aspris Children's Services Limited

Somerset Council, hereby **GRANT** the application described above subject to the following:

Condition(s)

1. **Standard Time Limit Section 73 - Variation of Condition (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 2022/2495/FUL dated 23 May 2023.

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions and having regard to the Planning Practice Guidance advice that an application under Section 73 of the Town and Country Planning Act 1990 cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission.

2. **Plans List (Compliance)**

This decision relates to the following drawings:

1423/001, 002, 003, 004, 005, 006, 007, 008A, 009, 010 and 011.

237481_AT_A01 A

237481_PD01

237481_SK01 A

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

3. **Materials (Compliance)**

The development shall be carried out in accordance with those materials as approved under planning ref: 2023/1382/APP only.

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).

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

The development shall be carried out in accordance with the landscaping details as approved under planning ref: 2023/1382/APP only.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the retention and provision of an appropriate landscape setting and in the interests of maintaining neighbouring amenity in accordance with Policies DP1, DP3, and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **External Lighting (Compliance)**

The only new external lighting to be erected or provided on the site shall be those as approved under planning ref: 2023/1382/APP. The approved external lighting shall be installed in accordance with the specifications and locations set out in the lighting design for bats, and these shall be maintained thereafter in accordance with the design.

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Policy DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Parking and Turning (Bespoke Trigger)**

The areas allocated for vehicle parking and turning on the submitted plan, drawing numbers 237481/SK01 RevA and 237481_AT_A01 RevA, shall be kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

Reason: To ensure the provision of suitable off-street parking and turning in the interests of highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014)

7. **Taxi Waiting Area (Bespoke Trigger)**

Prior to the development hereby permitted first being brought into use (Change of use from residential school to day school) the taxi waiting areas shown on the submitted plan, drawing numbers 237481_PD01, shall be properly surfaced and signed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such waiting areas shall be kept clear of obstructions in perpetuity and not used other than for the waiting of taxis in connection with the development hereby permitted.

Reason: To ensure that adequate and safe off-street taxi parking/waiting area are 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).

8. **Hours of Use - Playground (Compliance)**

The playground to the east of the school building shall not be in use as a playground outside the hours of:

08:00 to 18:00 Mondays - Fridays

08:00 to 12:00 Saturdays

And not at all on Sundays, bank or public holidays, or on any day outside school term time.

No other part of the school grounds shall be used as a formal playground.

Reason: To safeguard the amenities of adjoining occupiers having regards to Policies DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Student capacity (Compliance)**

The Day School hereby approved shall have limited student capacity of 88 pupils only. Reason: In the interests of highway safety and neighbouring amenity having regard to Policies DP7, DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informative(s):

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 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). 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 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.

4. Before commencing any works to trees, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the 1st MARCH to 31st AUGUST, no works should be undertaken to trees which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and if bats are found to be present in the trees works should immediately cease until specialist advice has been obtained from Natural England.

Date of Decision: 12 October 2023

Mickey Green
Executive Director
Climate and Place

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,
- Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012,
- Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007 or
- Section 195 of the Town and Country Planning Act 1990

You must appeal **within the following timescales**:

- **28 days** from the date on the decision notice for works to trees covered by Tree Preservation Orders (TPO) using the form available here:

[Appeal a decision about a tree preservation order: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **8 weeks** from the date on the decision notice for Advertisement Consent using the form available here: [Appeal a decision about consent to display an advertisement: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **12 weeks** from the date on the decision notice for householder applications using the form available here:

[Appeal a householder planning decision: Overview \(www.gov.uk\)](http://www.gov.uk)

- **12 weeks** from the date on the decision notice for minor commercial applications using the form available here:

[Appeal a minor commercial development decision: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **6 months** from the date on the decision notice for Listed Building Consent using the form available here:

[Appeal a listed building consent decision: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- There is **no time limit** for submission of an appeal for a Certificate of Lawfulness or a Listed Building Certificate of Lawfulness using the form available here:

[Appeal a decision about a lawful development certificate: When you can appeal \(www.gov.uk\)](http://www.gov.uk)

- **6 months** from the date on the decision notice for all other applications using the form available here: [Appeal a planning decision \(www.gov.uk\)](http://www.gov.uk)

You can contact the Planning Inspectorate's customer support team if you need help using the online service above by email: enquiries@planninginspectorate.gov.uk or telephone: 0303 444 5000 Monday to Friday, 9:00am to 12:00pm (noon) (except public holidays).

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 they 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 VI 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 them.
- 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 the work can commence.
- 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 Somerset Council, as Highway Authority should also be obtained - [Roads, travel and parking \(somerset.gov.uk\)](#)
- 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: [Public Rights of Way \(somerset.gov.uk\)](#)
- 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 of Somerset Council, for assignment of the official address/es. Details are available at [Street naming and numbering \(somerset.gov.uk\)](#)