

Application Number	2022/1981/FUL
Case Officer	Anna Jotcham
Site	Former Bailys Tanery Beckery Road Glastonbury Somerset
Date Validated	5 October 2022
Applicant/	I Tucker
Organisation	Beckery Island Regeneration Trust
Application Type	Full Application
Proposal	Repair and conversion of the former Baily's tannery and leather-working factory into multi-use workspaces.
Division	Glastonbury Division
Parish	Glastonbury Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Nick Cottle Cllr Susannah Hart

### **WHAT 3 WORDS**

The application site can be found by entering the following words into the What 3 Words website / app (<https://what3words.com/>)

///streamers.compliant.complain

### **SCHEME OF DELEGATION**

Part of the application site overlaps with land allocated under policy GL5 (Development at Morlands) of Local Plan Part II which reserves land for a Gypsy and Traveller site and a range of employment uses. The proposal conflicts with policy GL5 and represents a departure from the existing adopted Development Plan. Therefore, in accordance with the scheme of delegation, this application is referred to the Planning Committee by officers.

### **SITE DESCRIPTION AND PROPOSAL**

The application relates to a site containing two derelict building complexes that were once part of the Baily's leather works, a large historic industrial complex that included a number of tanneries. The two sets of buildings, known as Baily's West and Baily's East, are Grade II listed and on the Council's Historic Buildings at Risk Register. This denotes their significance to Glastonbury's local industrial history and the national importance of Baily's Tannery in its production of high-quality specialist leather goods, which held international renown.

The Baily's West Building is the old tannery and rug factory. It is composed of eight, three and four storey masonry buildings on a triangular plot between the mill stream and Beckery Old Road. The buildings were constructed in two main phases between 1868 and 1875; and 1880 and 1900.

The Baily's East Building is the old glove factory and engine house. It is composed of four, three storey buildings that were joined together in a line along the east side of Beckery Old Road. The Glove Factory and engine house (buildings 1 and 2) were built in 1890, and the drying stove was constructed in 1896.

The buildings are constructed in rubble Blue Lias limestone walls with brick outer/inner walls, with double roman tile and slate roofs. Timber/concrete floors and timber roofs span between the various structures creating large floors and high ceilings for industrial production. In 2016, a fire destroyed the interior of the Glove Factory (Building 1). The north gable, timber floors and roof were lost, but the masonry structure and primary steel floor beams are still intact and structurally stable.

Planning and listed building consents to convert the buildings into various uses (including offices, workshops, restaurant/bar, community space, micro-brewery, visitor facility and retail outlet) were granted in 2015 and 2019 but have now lapsed.

The current application, which forms part of the Glastonbury Town Deal, proposes to repair and convert the existing buildings to deliver 2,897m<sup>2</sup> of flexible space covering use classes B (General Industrial and Storage), E (Commercial, Business and Service) and F (Local Community and Learning). The proposed uses will comprise:

- Baily's West Building: Mixed uses, including offices, small workshops, storage, and a café.
- Baily's East Building: Mixed uses, including offices, small workshops, storage, and a media studio for lectures and music performance.

The application site incorporates two car parks to the north and west of the buildings. The area of car parking to the west has been reduced during the course of the planning application process, and the site plan has been subsequently revised.

A parallel listed building application (ref: 2022/1982/LBC) is also under consideration.

In terms of planning constraints, the site falls within an area of high archaeological potential, Flood Zones 2 and 3, a main river buffer, a contaminated land area and tip interest zone, a sewage treatment buffer, the Somerset Levels Moors and Ramsar Risk

Area (phosphates catchment area), Site of Special Scientific Interest (SSSI) and priority habitats.

The site forms part of the Morlands Enterprise Area. Access to the site is through an existing access into the Enterprise Area off the A39, via a traffic signal junction and roundabout which serve internal access roads, including Beckery Old Road which runs through the site (with a prohibition of motor vehicles except for access). The Baily's West Building has a small parking area at the northern end of the building and access to the Baily's East Building is solely from the frontage on Beckery Old Road.

The application is supported by a suite of technical reports including a Design and Access Statement, Transport Statement and Travel Plan, Archaeological Impact Assessment, Contaminated Land Risk Assessment, Flood Risk Assessment, Drainage Maintenance Report and Drainage Calculations, Odour Assessment, Odour Sniff Test Report, Ecological Impact Assessment, Bat Mitigation Technical Note, External Lighting Assessment, and a Landscape and Ecological Management Plan.

## **RELEVANT PLANNING HISTORY**

2014/0270/FUL – Mixed use redevelopment to include B1/B2 office and workshop with studio space, restaurant/bar, D2 community space, micro-brewery – APPROVED – 22.12.2015.

2014/0271/LBC – Mixed use redevelopment to include B1/B2 office and workshop with studio space, restaurant/bar, D2 community space, micro-brewery – APPROVED – 22.12.2015.

2018/2837/FUL – Proposed change of use and restoration of part of the derelict factory building to form a brewery, visitor facility and retail outlet – APPROVED – 09.12.2019.

2018/3005/LBC – Works in association with change of use and restoration of part of the derelict factory building to form a brewery, visitor facility and retail outlet – APPROVED – 09.12.2019.

2022/1982/LBC – Repair and conversion of the former Baily's tannery and leather-working factory into multi-use workspaces – PENDING CONSIDERATION.

## **SUMMARY OF ALL PLANNING POLICIES AND LEGISLATION RELEVANT TO THE PROPOSAL**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies Post JR Version (December 2022)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Made Neighbourhood Plans

The following policies of the Local Plan Part I are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP3 – Supporting Business Development and Growth
- CP5 – Encouraging Community Leadership
- CP7 – Glastonbury Town Strategy
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage Conservation
- DP5 – Biodiversity and Ecological Networks
- DP6 – Bat Protection
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards
- DP16 – Open Space and Green Infrastructure
- DP19 – Development Contributions
- DP23 – Managing Flood Risk

The following policies of the Local Plan Part II are relevant:

- DP25 – Employment Land
- GL5 (Development at Morlands)

Other possible relevant considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance

- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (2017)
- Design and Amenity of New Development Policy DP7 SPD (March 2022)

## **SUMMARY OF CONSULTATION RESPONSES**

The consultation responses are summarised below. Full comments can be viewed on the public website.

**Glastonbury Town Council** – This is part of Glastonbury Town Deal Fund. Therefore, no discussion took place at the Town Council's Planning Committee.

**Environmental Protection Officer** – No objection, however some concerns around odour raised and resolved with Wessex Water.

**Contaminated Land Officer** – No objection, subject to conditions.

**Tree Officer** – Further information required.

*[Officer note: Additional tree information was received on 2 August 2023 and verbally confirmed with the Tree Officer to be acceptable, subject to a condition].*

**Ecologist** – No objection, subject to conditions.

**Conservation Officer** – No objection, subject to conditions.

**Archaeologist** – No objection, subject to conditions.

**Highway Authority** – No objection, subject to conditions.

**Travel Plan Team** – The Travel Plan is acceptable, subject to minor amendments and legal agreement.

**Designing out Crime Officer** – No objection. Comments / recommendations regarding physical security standards, alarm system, car parking / multi-user path, landscaping, cycle parking, lighting, bin stores and operating policy offered.

**Environment Agency** – No objection, subject to conditions.

**Wessex Water** – Concerns raised about odour due to proximity to the sewage treatment works. However, the impact of odour is a risk that rests with the applicant, and not Wessex Water. As such, Wessex Water agree to withdraw the requirement for a sniff test to ratify the odour modelling prior to determination, subject to conditions.

**Somerset Drainage Board** – No objection, subject to conditions.

**Lead Local Flood Authority** – No objection, subject to conditions.

### **Local Representations –**

2 objections have been received raising the following issues (summarised):

- Inappropriate access along Beckery Road (not wide enough).
- On-street parking is restrictive and insufficient.
- Noise, dust and vermin during the construction period.

1 neutral comment from a third party received agreeing with the findings and mitigation measures included in the Ecological Impact Assessment, subject to scrutiny from the Council's Ecologist.

## **ASSESSMENT OF RELEVANT ISSUES**

### **PRINCIPLE OF DEVELOPMENT**

Planning permission and listed building consent were granted in 2019 under applications 2018/2837/FUL and 2018/3005/LBC for the change of use and restoration of part of the buildings to form a brewery, visitor facility and retail outlet. These permissions have subsequently expired but carry some weight in the planning decision because planning policy and circumstances have not fundamentally changed since they were approved.

The application site is previously developed land within the development limits of Glastonbury where the principle of development is acceptable in accordance with the spatial strategy as set out in policy CP1 (Mendip Spatial Strategy) of the Local Plan Part I (LP1). The Local plan establishes that the Council “is open for business” and policy CP3 (Supporting Business Development and Growth) seeks to support economic development where this accords with the overall strategy of the plan.

The Glastonbury Town Strategy is set out under policy CP7 (Glastonbury Town Strategy). This makes provision for between 1,050 and 1,200 new jobs, including “on existing land at Morlands which will continue to offer flexible, serviced space for a variety of employment needs” and “through mixed use redevelopment of redundant employment sites within the town where they arise”. The application site is within the Morland Enterprise Park and the proposal would reuse part of the derelict Grade II listed Baily's Tannery buildings which are of historical significance to the town. The application is therefore consistent with the objectives of the Glastonbury Town Strategy set out under policy CP7.

The proposal seeks to redevelop a site previously used for employment and as such, Policy DP20 (Reuse of Employment Sites). This policy states that “mixed-use schemes of comparable employment generation or wider economic benefit” will generally be supported, subject to the impacts of the proposal being balanced against wider regeneration objectives and consideration of any local environmental impacts.

Policy DP25 (Employment Land) of the Local Plan Part II (LP2) includes the Morlands Enterprise Area as an established employment area where “proposals which maintain the integrity of, and support investment in, jobs, premises and infrastructure” will be supported. This is reinforced at para 4.4 of the supporting text which confirms the Council’s commitment for “significant revival in interest, development activity and investment on the main serviced employment sites”, including the Morlands Enterprise Area.

Policy GL5 (Development at Morlands) of LP2 further sets out what development is expected at the Morlands Enterprise Area. The policy stipulates that around 1.9ha of land may be required for a Gypsy and Traveller site (including mitigation areas) with the remainder of the allocated land being used for a range of employment uses. A small part of the current application site (shown as a car park on the proposed site plan) overlaps with the land allocated under GL5 and will result in approximately 0.2ha of the GL5 allocation being used for an alternative use than that stipulated in policy GL5. Whilst the conflict with policy GL5 is acknowledged, the Council is working with a Community Benefit Society who will be bringing forward a community-led sustainable mixed-use development for new Gypsy and Traveller provision on the remainder of the allocated site and beyond the allocation boundary to the north. As such, any loss of land for a Gypsy and Traveller site through the current application for the Baily’s regeneration project will be compensated for, although it is noted that this is not secured through the planning process. This situation represents a departure from development plan policy and the application has been advertised accordingly.

It is anticipated that the proposed scheme would contribute to the current visitor offer in Glastonbury, something which is specifically supported under policy CP3 of LP1. Whilst not directly in the town centre itself, the site falls within the defined development limit. It is also on land allocated and assessed as being sustainable, and benefits from existing links between the Morlands Enterprise Area and the town centre. It is therefore not considered necessary in this instance, to apply the sequential test (NPPF, para. 87), typically required when ‘main town centre uses’, such as the ones being proposed through the current application, are being proposed in an ‘out of centre’ location.

Based on the above, the principle of the proposed development is therefore considered to be acceptable, subject to other material considerations which will be addressed below.

## **DESIGN AND VISUAL IMPACT CONSIDERATIONS**

Policy DP1 (Local Identity and Distinctiveness) states that development proposals should contribute positively to local identity and distinctiveness; and be formulated with an appreciation of the built and natural context of their locality. Policy DP7 (Design and Amenity of New Development) states that proposals should be of a scale, mass, form, and layout appropriate to their local context.

Details of the proposed repairs, alterations and conversion works to each of the buildings is provided in the Design, Access and Historical Statement (June 2022) and accompanying drawings. The proposed works involve internal alterations to the listed building which will be covered by the parallel listed building application (2022/1982/LBC). Externally, the key visual changes to the buildings are the reconstruction of Building 1 (second floor and roof which were damaged in the fire) and the demolition of the 1970s link building and erection of a highly glazed replacement link building. Other external changes relate to repointing stonework, changes to fenestration, replacement roof coverings, insertion of a dormer window to connect Building C and G, insertion of a mild steel balcony on Building H (second floor, south elevation), reconstructing the chimney on Building I, and repairing and restoring the louvres on Building E. The application also proposes to insert solar PV panels and hot water tubes on the roofs of Buildings A, C, D and F. However, given that these additions will be placed on tall buildings with largely hidden roof slopes, their placement is considered discrete and not visually intrusive or harmful to the listed building or the wider setting.

In terms of external changes beyond the footprint of the buildings, the application seeks to resurface the north and west car parks and make good the macadam road to Highway standards after works are complete. New planting in the car park will consist of common alder, mountain ash, midland hawthorn, common hazel with woodland understorey planting and marsh grasses. The proposed east building yard will consist of concrete surface and kerbs. The open garden in front of the south elevation will be planted with meadow grasses. A small formal garden will be developed near the north end of the west building. It is proposed to link the west car park to the west building stream path with a small steel pedestrian bridge over the mill stream. Public spaces will have knee level wall / bollard lights.

The above is illustrated in the accompanying package of drawings. Overall, it is considered that the changes to the buildings and the proposed landscaping is appropriate for the intended commercial use. The external alterations respect the historic setting and make a positive contribution to the public realm and surrounding streetscape.

When taken as a whole, the design, scale, mass, form and layout of the proposed development is acceptable and has regard to the local context. As such, the proposal complies with policies DP1 and DP7.

## **SUSTAINABLE CONSTRUCTION**

The siting, layout and design of buildings can have a fundamental impact on energy efficiency and can be addressed through the planning system.

Policy DP7 (Design and Amenity of New Development) comprises a number of criteria to ensure high quality design, and this encompasses measures to ensure the development includes sustainable construction and renewable energy measures. The policy advises that proposals for new development should demonstrate that they:

e) maximise opportunities for:

- i. The use of sustainable construction techniques
- ii. The use of sustainable drainage systems
- iii. Renewable energy generation on site
- iv. The use of water efficiency measures, recycling and conservation
- v. New residents to minimise, re-use or recycle waste
- f) use locally sourced or recycled materials wherever practically possible
- i) undertake construction in a manner that makes efficient use of materials and minimises waste.

The scheme reuses the embodied energy and carbon already in the fabric of the building and saves the carbon that might otherwise have been used to make the equivalent buildings. The scheme's low energy strategy is to reduce the amount of energy needed to heat the buildings. This will be achieved by adding insulation to limit heat loss through the fabric of the building. The insulation will be inserted sensitively so it does not harm the character of the listed buildings. As part of this strategy, the scheme proposes to add mechanical heat recovery ventilation to the toilets and natural ventilation elsewhere.

On-site energy generation is proposed and includes solar panels on the roof of Buildings B and G and solar hot water heating tubes on the roof of Buildings A, C, D and F (drawing nos.1000.107). Water efficiency measures (e.g. collection of rainwater for flushing toilets and use of low flow taps) will also be integrated into the scheme.

Overall, it is considered that the scheme satisfies the requirements of policy DP7 and the Council's green pledge.

## **HERITAGE**

Policy DP3 (Heritage Conservation) supports proposals which preserve and, where appropriate, enhance the significance and setting of the district's heritage assets. The proposal would repair and convert the derelict Grade II listed buildings and bring them back into use. The proposed physical works to the building are limited and mainly seek to revive the existing structures and make them fit for purpose with minimal intervention, whilst celebrating the buildings historic past and functions.

General repairs include repointing stonework, fixing cracks in masonry, replacing decayed floor beams and roofs, and restoring windows. Interventions generally relate to the insertion of services (showers, toilets, kitchens, cleaner's stores, plant room etc.), arrangement of fenestration, insertion of insulation, removing / adding staircases, levelling floors, and remedying fire damage (reconstruction of Building 1 second floor and roof). Historic features, including the louvres, wrought iron steel drying stove and historic heating pipes will be restored and left in situ as a memory of the building's original function. A mild-steel balcony where an external staircase used to be, will be installed on the second-floor level, south elevation of Building H.

The proposal also includes the demolition of the existing link Building 3 and erection of a replacement building containing a new central stair, lift and toilets. It is a 1970s blockwork construction which is not historically significant. The Conservation Officer has not raised any concerns about this element of the proposals.

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that the development meets these aims.

The application has been scrutinised by the Conservation Officer during the application process. Responses to queries, along with revised drawings, have been received to satisfy concerns raised. Here it is considered that the proposals would be acceptable alterations which would preserve the special interest and significance of the listed building. There is a clear heritage benefit in the repair of the designated heritage asset which has been on the Council's Heritage at Risk Register since 2016. Allowing it to be brought back into use would be a considerable public benefit.

Subject to conditions which secure further details of various elements, there is no objection to the proposal on heritage grounds. The proposal accords with Policy DP3 (Heritage Conservation) and part 16 of the National Planning Policy Framework.

## **ECOLOGICAL IMPLICATIONS**

The application is supported by an Ecological Impact Assessment, which was carried out in September 2022, and comprised three emergence / re-entry bat surveys. Following changes to the layout (whereby the area of car parking was reduced), a Bat Mitigation Technical Note was completed in May 2023. The bat surveys note that up to seven species of bats could potentially be harmed through the proposals.

In response to comments made by the Councils' Ecologist in August 2023, the applicants submitted a Landscape and Ecological Management Plan (LEMP) and an External Lighting Assessment in September 2023. These have been reviewed by the Ecologist and require some revision. Nevertheless, they give sufficient comfort at this stage to remove any ecological objection to the scheme, subject to conditions which require these documents to be updated.

Other conditions requested by the Ecologist relate to the protection of habitats and species during construction, biodiversity monitoring, licensing, and bat mitigation. Informatives reminding developers of the legal protection afforded to protected species, including badgers and birds are attached.

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority, Somerset Council has concluded that a Habitats Regulations Assessment (HRA) proceeding to an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed development will not result in an increase in phosphate loading at the associated wastewater treatment works. This is on the basis that people working in or using the proposed offices, workshops, café and media studio, are likely to live in the catchment area and therefore there will be no additional impact on the Ramsar site as a result of the development. As such, the Council is satisfied that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

## **ARBORICULTURAL IMPLICATIONS**

The existing and proposed trees on the application site are illustrated on the existing and proposed site plan (drawings nos. 1000.13 and 1000.113A respectively). Most of the ground is either dense scrub or grassland with some trees along the edges. Briefly, the effect on existing trees would be as follows:

- The line of black poplar trees near the southern end of the proposed (west) car park are outside the zone of development and would remain unaffected.

- The young common alders along both banks of the stream to the northwest of the buildings would be retained, with no dig construction for the path to the proposed west car park.
- The immature common alder trees amongst the dense scrub further to the west would be removed for the west car park construction. They will be replaced by new common alder trees along the west boundary of the car park.

The lack of arboricultural information provided with the application has been highlighted by the Council's Tree Officer. However, given the above, it is considered that the impact of the development to trees is acceptable with the imposition of relevant conditions. The proposal therefore complies with policy DP1 (Local Identify and Distinctiveness).

## **HIGHWAY SAFETY**

The previous permission for a similar proposal on the site (ref: 2014/0270/FUL) established the parking areas to the north and west of the buildings. The size of the west car park has been reduced through the life of the planning application.

The current application proposes the redevelopment of 2,897m<sup>2</sup> with 63 car parking spaces 2 motorcycle spaces to the west of the site, accessed by a footbridge, and another 23 car parking spaces and 2 motorcycle spaces to the north of the Baily's West building. Four disabled parking spaces are proposed across the site, and provision is made for 20 bicycles.

The Somerset Parking Strategy (SPS) does not specifically cover all use classes, but the Highways Authority have advised that the proposed development triggers the need for 115 car parking spaces. The application proposes 86 car parking spaces which falls short of the optimum level of parking. However, given the type of development being proposed, the location, and level of cycle parking proposed, the Highways Authority have not raised an objection on this basis.

In terms of vehicle movements there is a recognised level of movements that would be associated with the previous planning permissions. This is reflected in the submitted Transport Assessment where it is argued that the previous permissions could result in 118 car-borne community trips over the day. The Highways Authority agrees with these calculations and when looking at any potential increase from the proposed development this cannot be considered severe. As such, the Highway Authority does not object in terms of traffic movements.

There are five personal injury collisions noted within the vicinity of the access onto the A39 or the site. All five are in different locations and there is no obvious common cause.

A Travel Plan has been submitted and revised during the course of the planning application process and is considered acceptable, subject to minor amendments. The applicant will need to enter into a legal agreement with the Highway Authority to secure the Travel Plan obligations as part of the development.

Overall, it is concluded that the proposed development is acceptable in highway terms. Subject to conditions, the proposal complies with policies DP9 (Transport Impact of New Development) and DP10 (Parking Standards).

## **DRAINAGE AND FLOODING**

The site is in Flood Zone 2, with a river (Mill Stream) and Flood Zone 3 cutting through it. The application proposes a steel truss footbridge over the Mill Stream.

A Flood Risk Assessment accompanies the submission to demonstrate that there will be no adverse effects from the proposal in relation to flood and drainage matters. As the proposal involves the conversion of an existing building there is no requirement to undertake the sequential or exception tests in terms of flood risk.

The Environment Agency has been consulted on the application and has not raised any objection subject to conditions. The Lead Local Flood Authority (LLFA) and Land Drainage and Project Engineer have removed their objections following receipt of revised information and plans, subject to conditions and informatives.

Subject to an acceptable drainage scheme being designed there will be no increase in flood risk from the development. The proposal accords with policy DP23 (Managing Flood Risk).

## **IMPACT ON RESIDENTIAL AMENITY**

The nearest residential property is at least 100 metres away. However, the application site is adjacent to Wessex Water's Glastonbury sewage treatment works (STW) and therefore there is a risk of loss of amenity due to odour and fly risk.

The impact of odour is a risk which rests with the applicant and not Wessex Water, and the applicant believes the risk to be low. Given that this is not residential development Wessex Water have agreed to withdraw their initial objection and the requirement for an odour test to ratify odour modelling prior to determination. Wessex Water's response is given on the basis that the Council's Environment Health Officer (EHO) will not uphold an odour complaint from users of the building as long as the sewage treatment works is operating in accordance with its odour and fly management plans. The Environmental Health Officer is comfortable with this approach. The applicant has agreed to commission a further odour

assessment (between April – September) and the results will provide interested parties with an indication of the risk involved. This will be secured via a condition.

Given the location of the site and the overall design, scale, massing and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, traffic or other disturbance. The proposal accords with Policy DP7 (Design and Amenity to New Development) of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

## **LAND CONTAMINATION**

The previous industrial use of the proposed development site as a tannery presents a high risk of contamination being present that could be mobilised during development and cause pollution of controlled waters. Controlled waters are particularly sensitive at this site because the Glastonbury Mill Stream passes directly through the site and the underlying geology is classified as Secondary A aquifer which means the groundwater within it may support local scale groundwater abstractions and provide important baseflow to rivers.

The application is supported by a Contaminated Land Risk Assessment, dated December 2018, which accompanied the previous planning application for change of use (2018/2837/FUL). The risk assessment does not provide confidence that the risks posed by contamination at the site are adequately understood because a conceptual site model has not been presented and there has been no consideration of risks to controlled waters. An up-to-date assessment in line with the current proposals, and in particular considering the 'garden' area is required. The Environment Agency have commented on the application and have offered the developers advice on relevant guidance and best practice for managing risks from land contamination and obtaining the relevant permits.

Despite concerns raised, the Environment Agency and the Council's Contaminated Land Officer have not raised any objection to the development, subject to conditions.

## **ARCHAEOLOGY**

The site lies on the western edge of Glastonbury in the area around Beckery. The Baily's Buildings are recorded on the Somerset Historic Environment Record (HER; site number 23595).

The applicants have provided an Archaeological Impact Assessment, which identifies that there is some archaeological potential in this area but does not include some earlier building recording which has taken place (see Somerset HER). This earlier work should be incorporated into and form the basis for an up-to-date building recording survey that

should be completed as part of a Written Scheme of Investigation for the site. Archaeological monitoring of the development and a report on any discoveries made should also take place. Both of these matters can be secured via conditions.

## **OTHER MATTERS**

Matters raised by the Designing out Crime Officer have been addressed by the applicant in a letter dated 2 March 2023 and subsequent revisions to the scheme.

## **REFUSE AND RECYCLING**

The site is considered capable of providing adequate storage space for refuse and recycling.

## **CONCLUSION**

The application meets the requirements of the relevant planning policies and is recommended for approval. The proposal will make a significant contribution to the community of Glastonbury. There are clear heritage and public benefits in repairing the listed buildings and bringing them back into use. Furthermore, there are no other issues raised in this report which are not capable of being resolved through the attachment of appropriate conditions and planning obligations for a LEMP and Travel Plan secured in a legal agreement.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **EQUALITIES ACT**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Recommendation**

## 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:

03 Aug 2023 - 1000.1C - EXISTING LOCATION PLAN

16 Aug 2023 - 1000.2C - EXISTING SITE PLAN

30 Sep 2022 - 1000.3 - EXISTING EAST & WEST BUILDING GROUND FLOOR PLANS

30 Sep 2022 - 1000.4 - EXISTING EAST & WEST BUILDINGS FIRST FLOOR PLANS

30 Sep 2022 - 1000.5 - EXISTING EAST & WEST BUILDINGS SECOND FLOOR PLANS

30 Sep 2022 - 1000.7 - EXISTING EAST & WEST BUILDINGS THIRD FLOOR & ROOF PLANS

28 Feb 2023 - 1000.8 - EXISTING EAST BUILDING WEST & SOUTH ELEVATIONS

28 Feb 2023 - 1000.9 - EXISTING EAST BUILDING EAST & NORTH ELEVATION

08 Mar 2023 - 1000.10A - EXISTING WEST BUILDING EAST & WEST ELEVATIONS

08 Mar 2023 - 1000.11A - EXISTING WEST BUILDING COURTYARD ELEVATIONS

30 Sep 2022 - 1000.12 - EXISTING EAST & WEST BUILDING CROSS SECTIONS

16 Aug 2023 - 1000.13 - EXISTING BAILYS BUILDINGS SITE PLAN

16 Aug 2023 - 1000.101E - PROPOSED LOCATION PLAN

13 Apr 2023 - 1000.103B - PROPOSED EAST & WEST GROUND FLOOR PLANS

30 Sep 2022 - 1000.104 - PROPOSED EAST & WEST BUILDINGS FIRST FLOOR PLANS

30 Sep 2022 - 1000.105 - PROPOSED EAST & WEST BUILDINGS SECOND FLOOR PLANS

30 Sep 2022 - 1000.107 - PROPOSED EAST & WEST BUILDINGS THIRD FLOOR AND ROOF PLANS

08 Mar 2023 - 1000.108A - PROPOSED EAST BUILDING WEST & SOUTH

## ELEVATIONS

13 Apr 2023 - 1000.109B - PROPOSED EAST BUILDING EAST & NORTH

## ELEVATIONS

17 May 2023 - 1000.110B - PROPOSED WEST BUILDING EAST & WEST

## ELEVATIONS

30 Sep 2022 - 1000.111 - PROPOSED WEST BUILDING COURTYARD ELEVATIONS

13 Apr 2023 - 1000.112B - PROPOSED EAST & WEST BUILDING CROSS SECTIONS

3 Nov 2023 - 1000.113A - PROPOSED BAILYS BUILDINGS SITE PLAN

21 Jul 2023 - 2023-14-01-A - DRAINAGE STRATEGY PLAN BAILYS BUILDINGS

21 Jul 2023 - 2023/14/02 - POROUS TARMAC CAR PARK CONSTRUCTION

## DETAILS

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

### 3. **Removal of Permitted Development Rights - Use Classes E and B**

The uses hereby approved shall comprise only classes B (General Industrial and Storage), E (Commercial, Business and Service) and F (Local Community and Learning). Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, (or any order revoking and re-enacting that Order with or without modification), no more than 600 sqm of the premises shall be used for Class E(a) (Display or retail sale of goods, other than hot food) and Class E(b) (Sale of food and drink for consumption (mostly) on the premises). Furthermore, no more than 300 sqm of the premises shall be used for Class B8 (Storage or Distribution).

Reason: The mix of uses hereby approved have been found to be acceptable in this location but other uses within the same use class may require further detailed consideration by the Local Planning Authority. Any increase in E(a), E(b) or B8 uses would need to be justified through the consideration of a further planning application in accordance with Core Policy 3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

### 4. **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 Policies DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **External Joinery and Rooflight Details - Submission of Details (Bespoke Trigger)**

No piece of external joinery (of any material) or rooflights shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour (the manufacturer, model number and size will suffice for the rooflights). The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

6. **Rainwater Goods, Vents, Flues, External Attachments - Submission of Details (Bespoke Trigger)**

No individual item of rainwater goods, vents, flues, or other external attachments shall be fitted or installed unless in accordance with details of that piece that have first been submitted to and approved in writing by the Local Planning Authority. All such attachments shall be retained in that form thereafter.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

7. **Materials - Baily's East - Building 1; Roof Structure (Bespoke Trigger)**

No construction of the Baily's East; Building 1 new roof structure shall commence until drawn details of construction of the new roof structure, a schedule of materials and finishes, and samples of the materials to be used in the external surfaces of that part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. **Materials - Baily's East - North Gable and Chimney (Bespoke Trigger)**

No reconstruction of any part of the Baily's East north gable and chimney shall commence until a schedule of materials and finishes, and samples of the materials to be used in the external surfaces of that part of the development have been submitted to and approved in writing by the Local Planning Authority. Sample panels of all external walling materials, to be approved in writing by the Local Planning Authority, shall be erected on the site and kept on site for reference until the development is completed. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

9. **Sample Panel - Baily's East; Building 3 - Roofing (Bespoke Trigger)**

No construction of the roof to the Baily's East; Building 3 shall commence until a sample of the aluminium roof covering has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

10. **Details and Materials - Baily's West; South Elevation - Stairs (Bespoke Trigger)**

No installation of the steel stair on the Baily's West south elevation shall commence until full details of the stairs have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policies DP1, DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

11. **Solar Equipment - Submission of Details (Bespoke Trigger)**

No part of the solar equipment shall be installed unless details have been first submitted to and approved in writing by the Local Planning Authority. Details should include a specification for the solar panels, details of their fixing to the roof, sufficient information to indicate the internal positions and routing of any cabling or other associated paraphernalia.

Reason: In the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

12. **Solar Panels - Removal of Works - Failure to Produce Electricity (Bespoke Trigger)**

If any of the solar equipment hereby permitted fails to produce electricity/hot water for a continuous period of 6 months, a scheme for the repair or removal of the development shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6-month period. Where repairs or replacements are required, the scheme shall include a proposed programme of remedial works. Where removal is required, the scheme shall include a method statement and timetable for the dismantling and removal of the relevant panels and any necessary restoration works following removal. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason: Planning permission has been granted on the basis of the development being operated for the production of renewable energy. Its removal is required should the production cease, in the interests of the significance of the designated heritage asset in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

13. **Materials - Baily's West; Building E - Louvres and Frames to Courtyard Elevation (Bespoke Trigger)**

Notwithstanding the annotations on the elevation drawing (ref: 1000.111), no existing louvres or their frames shall be replaced unless in accordance with a schedule and drawings identifying the louvres and frames to be replaced which has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the work shall be carried out only in accordance with the approved details.

Reason: To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

14. **Construction Environmental Management Plan (Pre-commencement)**

No site clearance, preparatory work or development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP will include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements), including nesting birds habitat clearance measures, any badger buffer zones etc.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer.
- h) Use of protective fences (including tree protection measures), exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The CEMP shall also provide information on:

- j) Provision of a construction access.
- k) Provision of contractors' parking/compound.
- l) Locations for loading/unloading and storage of plant, waste and construction materials.
- m) Wheel washing facilities.
- n) Measures to control the emission of dust and dirt during construction.
- o) Measures to protect vulnerable road users (cyclists and pedestrians).
- p) Construction hours.
- q) 24-hour emergency contact number.
- r) Routes for construction traffic.
- s) Any necessary temporary traffic management measures.
- t) Arrangements for turning vehicles.
- u) Arrangements to receive abnormal loads or unusually large vehicles.
- v) Methods of communicating the CEMP to staff, visitors and neighbouring residents and businesses.

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of European and UK protected species, UK priority species

and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy DP5 of the District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). To also ensure that adequate measures are put in place to avoid or manage the risk of pollution during construction and operation of the proposed development, in accordance with Policies DM3 and DM7 of the Somerset Waste Core Strategy (2013). To ensure that safe operation of the highway and in the interests of protecting residential amenity in accordance with Policies DP7, DP8 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

15. **Biodiversity Monitoring Strategy (Pre-commencement)**

No site clearance, preparatory work or development shall take place (including ground works and vegetation clearance) until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to ensure the bat roosts and nesting birds as detailed in the Ecological Impact Assessment (Geckoella, 1 September 2022) are protected following post development with the implementation of the proposed mitigation. The content of the strategy shall include the following:

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-

2029 (Adopted 2014).

16. **European Protected Species Mitigation Licence (Pre-commencement)**

No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) A copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- b) A copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence; or
- c) A statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

17. **Bats (Pre-commencement)**

No development shall commence until:

- a) Construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats.
- b) Seven Schwegler 2FN (or equivalent) bat boxes will be installed on existing Alder trees along the northern extent of the Mill Stream at a minimum height of 4 metres as directed by a licenced bat ecologist. These boxes will be used in the first instance as temporary roosting habitat for moving any bats that may be found during the works.
- c) A loft space for lesser and greater horseshoe bats, serotine and brown long eared has been provided in the design of the buildings.
- d) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Details of the above must be submitted to, and approved in writing by, the Local Planning Authority prior to work commencing on site. The bat boxes and bat roosts will be implemented in strict accordance with the agreed scheme and maintained

for the exclusive use of bats thereafter.

Reason: A pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

No external lighting shall be installed until a "lighting design for bats" following Guidance Note 08/23 - bats and artificial lighting at night UK (ILP and BCT 2023) has been submitted to, and approved in writing by, the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats (including horseshoe bats) using their territory or having access to their resting places. The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key and supporting horseshoe bat features and habitats, on the identified bat commuting routes.

All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the approved details. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Policies DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**19. Nesting Bird Protection (Bespoke Trigger)**

No removal of trees, hedges, or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with Policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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

As an enhancement measure, and in accordance with National Planning Policy Framework, the following will be integrated into the design of the buildings and site plans:

- a) 15 x Schwegler 1a swift bricks or similar to be built into the wall at least 60cm apart, at least 5m above ground level on the western elevation of Baily's East Building.
- b) 20x Schwegler No. 10 swallow nesting cups, or similar, to be erected within a loft void south of the proposed bat loft voids on Baily's West Building at a height above 3m.
- c) Four bee bricks built into the wall about 1 metre above ground level on the south or southeast elevation of the proposed development. Please note bee bricks attract solitary bees which do not sting.
- d) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- e) Two log pile as a resting place for reptiles, hedgehog and/ or amphibians to be constructed within the boundaries of the site.

Plans showing the locations and photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the dwelling. The agreed scheme will thereafter be implemented.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

21. **Tree Protection Plan - Implementation (Compliance)**

No development activity shall commence until the tree protective measures as illustrated on the Proposed Site Plan (drawing 1000.113A) are implemented.

Reason: To ensure that the trees are protected from potentially damaging activities in accordance with Development Policy 1 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

22. **Cycle Parking (Pre-occupation)**

The development hereby permitted must not be occupied or utilised until the cycle parking facilities shown on the submitted plans have been constructed. Thereafter, these must be maintained, kept free from obstruction, and kept available for the purpose specified.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of cycling in accordance with the Somerset County Council Parking Strategy and Development Policies 7, 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

23. **Electric Vehicle Charging provision (Pre-occupation)**

The development hereby permitted must not be occupied or utilised until the electric charging points and parking shown on the submitted plans have been constructed. Thereafter, they must be maintained, kept free from obstruction and available for the purposes specified in perpetuity.

Reason: To ensure the development meets the Council's climate change objectives and to support sustainable transport objectives in accordance with the Somerset County Council Parking Strategy and Electric Vehicle Charging Strategy and Development Policies 7, 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

24. **Access, Parking and Turning Areas (Pre-occupation)**

The development hereby permitted must not be occupied or utilised until the parking and turning areas shown on the submitted plan have been properly consolidated and surfaced. The parking and turning areas shall thereafter be kept clear of obstructions in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Development Policies 9 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

25. **Floor Levels (Compliance)**

The finished floor levels of the 'Baily East Building' and 'Baily's West Building' of the development hereby approved shall be set no lower than 8.95m and 8.27m above Ordnance Datum (AOD) respectively.

Reason: To limit the risk from flooding and minimise the risk to its occupants 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.

26. **Surface Water Drainage (Compliance)**

No infiltration of surface water drainage into the ground is permitted other than

with the

written consent of the Local Planning Authority. The development shall be conducted in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line.

27. **Pollution (Compliance)**

No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:

- a) Site security.
- b) Fuel oil storage, bunding, delivery and use.
- c) How both minor and major spillage will be dealt with.
- d) Containment of silt/soil contaminated run-off.
- e) Disposal of contaminated drainage, including water pumped from excavations.
- f) Site induction for workforce highlighting pollution prevention and awareness.

Reason: To prevent pollution of the water environment.

Note: Measures should be taken to prevent the runoff of any contaminated drainage during the construction phase.

28. **Surface Water Drainage System (Pre-commencement)**

No development shall commence until 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, has been submitted to and approved in writing by the Local Planning Authority. 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 in accordance with Policy DP23 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the surface water drainage strategy.

29. **Surface Water Drainage System (Pre-occupation)**

No development approved by this permission shall be occupied or brought into use

until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details agreed.

Reason: To safeguard the long-term maintenance and operation of the proposed system to ensure development is properly drained in accordance with the National Planning Policy Framework.

**30. Odour Assessment (Pre-occupation)**

The development hereby permitted must not be occupied or utilised until an Odour Assessment and any necessary mitigation (undertaken between April - September) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of the development in accordance with Policies 7 and 8 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

**31. Contaminated Land - Investigation and Risk Assessment (Pre-commencement)**

No development shall commence unless an investigation and risk assessment of the nature and extent of contamination on site and its findings have been submitted to and approved in writing by the Local Planning Authority. This assessment shall be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall consider all previous uses and shall be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM)'. The assessment and written submission shall include:

- a) A survey of the nature, extent and significance of any contamination.
- b) An assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments.
- c) An appraisal of remedial options, and proposal and justification for the preferred option(s).

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover harmful contamination. Therefore, these details need to be agreed by submission of an assessment report before work commences in addition to any assessment provided with the planning application. This condition does not restrict commencement of enabling works provided that these may be demonstrated to be entirely for the purposes of ground investigations deemed necessary to inform the risk assessment.

32. **Contaminated Land - Remediation Scheme (Pre-commencement)**

No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, controlled waters, ecological systems, buildings and other property and sites of historical interest, has been submitted to and approved in writing by the Local Planning Authority unless the findings of the approved investigation and risk assessment concludes that a remediation scheme is not required. The scheme shall include:

- a) All works to be undertaken.
- b) Proposed remediation objectives and remediation criteria.
- c) Timetable of works and site management procedures and where the site is to be developed in phases, a phasing plan identifying any specific protection measures.
- d) Where required, a monitoring and maintenance programme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.
- e) Where required, additional contingency measures designed to safeguard future users and receptors.

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall not commence until the approved remediation scheme has been carried out, excepting those works required to carry out remediation, or in accordance with the approved timetable of works.

Reason: In order to ensure that the land is suitable for the intended uses and to

ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters, and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework. This is a condition precedent because the works comprising the development have the potential to uncover or affect pathways for harmful contamination. Therefore, these details need to be agreed before work commences.

33. **Contaminated Land - Verification Report (Pre-occupation)**

No development approved by this permission shall be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. Where a phasing plan has been approved no occupation shall commence of each phase until a verification report dealing with that phase has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and in accordance with sections 11 and 15 of the National Planning Policy Framework.

34. **Contaminated Land - Unexpected Contamination (Compliance)**

In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority and further development works shall cease unless alternative arrangements have been first agreed in writing with the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary, a revised remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The revised scheme shall thereafter be implemented as approved. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

Reason: In order to ensure that the land is suitable for the intended uses and to ensure that the development can be carried out safely without unacceptable risks to human health, controlled waters, and other off-site receptors and in accordance with section 11 and 15 of the National Planning Policy Framework.

35. **Archaeology - Watching Brief (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 watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation.

Reason: The site is within an area of significant 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.

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

No development approved by this permission shall be occupied or brought into use 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).

## **Informatives**

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. This decision is for planning permission only and no work shall be commenced until Listed Building Consent has been granted.
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. **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.

#### 5. **Material Samples**

In order to seek approval for details reserved by conditions relating to the approval of external walling and roofing materials, please ensure that materials are left on site for approval and NOT brought to the Council Offices. When applying for the

approval of materials you must provide photographs of the materials in the context of the site, and state precisely where on site any samples have been made available for viewing.

**6. Amphibians, Reptiles (and Hedgehog)**

Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10½C or above) before clearing to minimise the risk of harming/killing any reptiles or amphibians that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as rubble piles which potentially afford resting places for reptiles and / or amphibians should be dismantled by hand by a competent ecologist in April or August to October and any individuals found translocated to a suitable location.

**7. Legal Protection Afforded to Badgers**

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 the implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest opportunity.

**8. Legal Protection Afforded to Bats and Bat Roosts**

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation 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 stop, and advice is sought from a suitably qualified, licensed, and experienced ecologist at the earliest possible opportunity.

**9. Tree Felling and Roosting Bats**

Any trees to be removed which have been identified as having potential for roosting bats will need to be inspected by a suitably qualified ecologist immediately prior to being felled. If it is considered that a roost is not present (i.e. absence of a bat or bat field signs), then the tree may be immediately soft felled. If a bat roost is

confirmed, then felling will need to be delayed and an EPS licence sought from Natural England.

10. **Legal Protection Afforded to Nesting Birds**

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 immediately, and do not restart either until the young have fledged or advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

11. **Works Require Legal Agreement with the Highway Authority**

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and the terms and conditions under which they are to be carried out.

Note: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured, and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

12. **Contamination**

NPPF s.184: Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

13. **Land Drainage**

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.

14. **Surface Water Should Not Discharge onto the Highway**

Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. The developer should, therefore, intercept such water and convey it to a suitably sized soakaway on land within their ownership.

