

List of planning applications and other proposals submitted under the planning acts to be determined by the director of environment and community services

CIRCULATED SCHEDULE NO. 43/19

Date to Members: 25/10/2019

Member's Deadline: 31/10/2019 (5.00pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by Council in July 2018. Under the arrangement certain reports are circulated on a weekly basis. The reports assess the application, considers representations which have been received, and make a recommendation regarding the proposal.

Having considered the reports, those applications that Councillors feel should be referred to the relevant Planning Committee must be notified to the Strategic Planning section by email within five working days of the publication of the schedule (by 5pm) in line with the procedure set out below. If there has been no valid Member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule.

Before referring an item to the Committee, it is recommended that Members speak to an officer about the issue, to explore whether any problems can perhaps be resolved without the need for referral to a Committee.

PLEASE NOTE: The circulated schedule process is only open to elected Members of South Gloucestershire Council.

NOTES FOR COUNCILLORS

– formal arrangements for referral to committee

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate planning committee then a referral should:

- a) Be made in writing using the attached form by emailing MemberReferral@southglos.gov.uk identifying the application reference and site location
- b) Within 5 working days of the date of this schedule e.g. if the schedule is published on a Friday, comments have to be received by end of the following Thursday (see cover page for the date)
- c) The request in writing must be made in writing by at least two or more Members, not being Members of the same ward
- d) In addition, the request in writing must have the written support of at least one of the Development Management Committee Chair and Spokes Members
- e) The referral should include the reasons for the referral why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issue the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay to the referral
- f) Indicate whether you have discussed the application(s) with the Case Officer and/or Development Manager
- g) Indicate whether you have discussed the application(s) with ward Member(s) if the site is outside of your ward

The Circulated Schedule will always contain the following applications unless the application is required to be determined by Committee:

- 1) Any application submitted by, or jointly, or on behalf of the Council.
- 2) Any application submitted by or any matter directly affecting or involving any

Member of the Council and any application(s), submitted by an Officer of the Council working in the Strategic Planning area (specifically the Policy and Specialist Advice, Development Management, Strategic Major Sites and Planning Enforcement, Validation & Registration and Planning Technical Support teams) or any Member or Officer of the Council acting as a planning agent.

- 3) Any application requiring a new planning agreement.
- 4) Any applications requiring a modification of an existing planning agreement where in the opinion of the Director, there would be a detriment to the public benefits secured.

5) Any application where the proposed decision of the Director would, in his opinion, be contrary to the policies of the Council as expressed in the Development Plan and/or any emerging plan and require referral to the Secretary of State following approval in principle by the Council for the purposes of development control decision making.

6) Any applications, except those listed below a-f where three or more representations contrary to the Officers recommendation are received within the notification period other than from officers of the Council acting in their professional capacity.

7) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officers recommendation from the Parish or Town Council within whose boundary the proposal lies wholly or in part.

8) Any applications, except those listed below a-f where a representation is received within the notification period which is contrary to the officer's recommendation from any Member of South Gloucestershire Council.

Applications that will not appear of the Circulated Schedule procedure as a result of representations received:

a. All applications, where approval is deemed to be granted upon the expiry of a defined period

b. All applications to be determined the lawfulness of a proposed or existing use of a site

c. All applications for non-material amendments

d. All applications to discharge planning conditions

e. All applications solely required because of the removal of Permitted Development Rights or Article 4 direction

f. Any footpath stopping up or diversion required to implement an approved scheme

Additional guidance for Members

Always make your referral request by email to MemberReferral@southglos.gov.uk (not individual email addresses), where referrals can be picked up quickly by the Technical Support Team.

When emailing your circulated referral request, please ensure you attach the written confirmation from the Supporting Member(s) and Supporting Chair or Spokes

Please note a copy of your referral e mail will appear on the website.

Before referring an application always contact the case officer or Development Manager first to see if your concerns can be addressed without the application being referred.

If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward Member(s) to see what their views are, before referring the application.

Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute.

A template for referral is set out below:

Referral from Circulated Schedule to Development Management Committee

1. Application reference number:

2. Site Location:

3. Reasons for referral:

The referral should include the reasons for the referral indicating why it would not be appropriate to permit the proposal to be determined under the delegated arrangements; the issues the proposal raises in relation to the relevant policy context and the balanced consideration that has been given to the extra costs and delay of the referral

4. If the site is outside your ward have you contacted the ward Member(s) to inform them of the referral?

5. Have you discussed the referral with the case officer or Development Manager?

a) Referring Member:

b) Details of Supporting Member(s) (cannot be same ward as Referring Member)

c) Details of Supporting Chair or Spokes Member of the Development Management Committee

Do you consider this is an application of strategic importance such that you would request the Director to consider using his discretion to refer the matter to the Strategic Sites Delivery Committee? If so please set out your reasons:

Date:

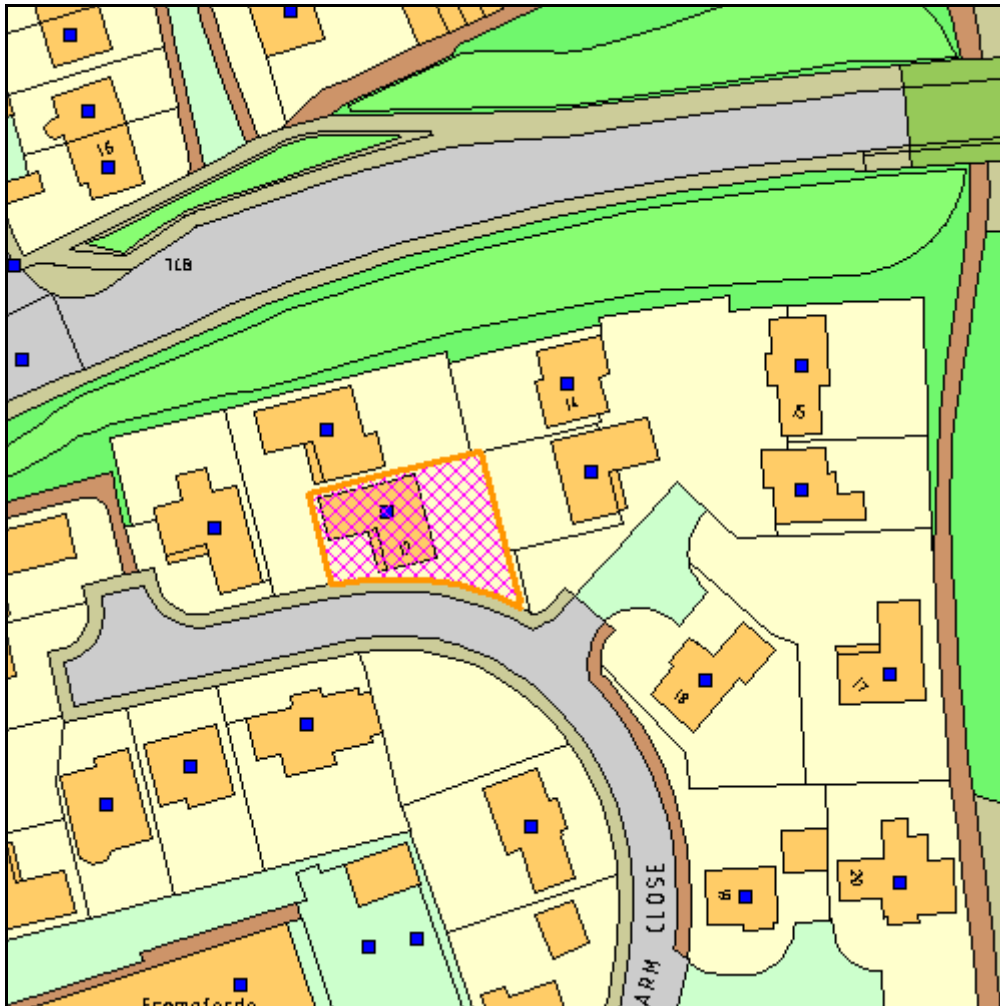
To be emailed to MemberReferral@southglos.gov.uk

CIRCULATED SCHEDULE - 25 October 2019

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	P19/09171/F	Approve with Conditions	12 Churchfarm Close Yate South Gloucestershire BS37 5BZ	Yate North	Yate Town Council
2	P19/5477/F	Approved Subject to Section 106	Hanham Court Ferry Road Hanham South Gloucestershire BS15 3NT	Longwell Green	Hanham Abbots Parish Council
3	PT18/3709/F	Approve with Conditions	8020 Western Approach Distribution Park Severn Beach South Gloucestershire BS35 4GG	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

CIRCULATED SCHEDULE NO. 43/19 – 25 OCTOBER 2019

App No.:	P19/09171/F	Applicant:	Mr & Mrs Gardiner
Site:	12 Churchfarm Close Yate Bristol South Gloucestershire BS37 5BZ	Date Reg:	24th July 2019
Proposal:	Erection of 1.8 metre high boundary wall to facilitate change of use from amenity land to residential garden as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Yate Town Council
Map Ref:	371607 183219	Ward:	Yate North
Application Category:	Minor	Target Date:	17th September 2019



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South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of objections from Yate Town Council and residents.

1. THE PROPOSAL

- 1.1 The application seeks permission for the change of use of land to residential curtilage and the erection of a 1.8 metre high boundary wall at No. 12 Churchfarm Close, Yate. The application site relates to a two-storey detached dwelling and the grass verge area subject to this application is situated between the existing boundary wall and Church Farm Close.
- 1.2 During the course of the application, a revised proposal was submitted. The revised scheme shows that proposed boundary wall would be set back from the pavement by approximately one metre, it would be constructed in brickwork with stagger construction details.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework February 2019
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
'Core Strategy'

CS1	High Quality Design
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS30	Yate and Chipping Sodbury

2.3 South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017) 'PSPP'

PSP1	Local Distinctiveness
PSP5	Undesignated Open Spaces within Urban Areas and Settlements
PSP8	Residential Amenity
PSP16	Parking Standards
PSP11	Transport Impact Management

2.4 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standard SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N965/7 Erection of 26 detached dwellings with attached garages and construction of associated access roads and footpaths (in accordance with the revised layout plans received by the Council on 12th October 1983). Approved 20.06.1984

Other relevant planning applications in the locality

No. 23 Churchfarm Close

- 3.2 P96/1181 Removal and rebuilding of part of boundary wall.
Approved 22.05.1996

No. 1 Churchfarm Close

- 3.3 This property has been subject to a number of planning applications. The earliest planning permission, PK00/0468/F, was granted for the erection of single storey rear extension, front dormers and extension to front canopy. The site location plan showed the original boundary wall of this property and the approved drawing have shown that the original boundary wall was removed and the existing boundary wall, which is set back from the pavement / public highway.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Objection. The openness of the area is enjoyed by the local community. The enclosing of this open space on the corner of the plot will have a negative effect on the greenness of the street, altering the current street scene, as it is proposed to take the entire open space into a private garden. There was originally a planning condition on the original consents about these amenity spaces, and the garden walls were put where they are to give a green aspect right through the road. We understand that a main electricity cable runs under this open area, and it should therefore remain accessible. The Town Council also support the objections of the residents.

4.2 Other Consultees

Sustainable Transport – No objection.
Highway Structures – No comments.

Other Representations

4.3 Local Residents

14 letters of objection have been received, and the residents' comments are summarised as follows: (Full comments are available in the Council's website)

- Loss of green space (immediately outside of our front and side windows)
- An ugly intrusion
- Serious adverse (and negative) impact upon the neighbours

- Totally out of character
- Set an undesirable precedent
- The open space cumulatively forms an important visual hub in the middle of our cul-de-sac.
- It would be a good idea to leave these space so that as you drove around the close there was not a continuous wall
- I hope you will apply the same constraints as you applied to No. 1 and 23 by making sure there is at least 1 metre between the pavement and the new wall.
- The existing open space provides visual access to the front garden of No. 13, which is a delight to everyone in the street. Blocking it in like this will undermine visual amenity and the ability to continue to keep it as a sunny green space we all enjoy looking at.
- This may weaken the remaining half of the wall.
- Wooden fencing would be contrary to every condition that has been imposed on this street since it was built.
- But if it is to be moved, then we consider it essential that the wall is set back 1 metre from the pavement, with a condition requiring the planting and retention of a shrub boundary to the 1.8m height.
- No. 23/24 wanted to enclose an area of visual amenity open space, this was really at the sides of the property, unlike the current application which are part of the front garden.
- It detracts from the little amount of greenery within the cul-de-sac
- I understand that the existing wall is in need of repair and that needs to be sorted but not to extend to such a point that the house becomes a fortress.
- The current wall is a continuous one and I am seriously concerned about damage and stability to our part of the wall.
- We have developed our front garden with many plants and the proposal will seriously overshadow this.
- This planning application would be detrimental to the development and the people that live here.
- The revised scheme is better than the original plan but will still leave us with a 2m wall only screened by a 1m hedge. The wall needs to be further back so a 2m high shrub barrier can be planted and maintained without obstructing the pavement and without damaging the green character.
- The open plan aspect of Church Farm Close enhances the general appearance of the close giving it a less urban aspect as ourselves and our guests drive down to our property.
- We also have raised our children here and they had little areas like the green, Mike and Chris are licences to play on and connect with the other children whilst growing up. These parcels should be held as a real benefit for the close, therefore I would see this loss with great sadness.
- This would change the appearance of the close for worse making it seem more urban changing the ambience of the approach to our property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the change of use of land to residential curtilage and the erection of a 1.8 metre high boundary wall. The application stands to be assessed against policies CS1 and CS5 of the Core Strategy

(Adopted 2013) and Policy PSP1 of the adopted PSPP states that within the settlement boundaries development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Other pertinent issues are the impact of the development on highway safety and on residential amenity.

5.2 Visual Amenity

The application relates to a grass verge area situated between the existing boundary wall and the highway. The site is located near the end of the cul-de-sac. Due to its location, the area make a positive contribution towards the character and distinctiveness of an area which, although established residential in nature, retains a relatively open and suburban appearance. Nevertheless, boundary treatments are evident in the immediate street scene, however a sense of openness is generally retained. Residents and Town Council's concerns regarding the impact upon the character and appearance are noted.

- 5.3 The proposal is to erect a 1.8 metre high boundary wall and change the use of the grass verge in order to extend the residential curtilage of No. 12 Church Farm Close, which is a two-storey detached dwelling with its side elevation facing Church Farm Close. As existing, a brick boundary wall is in place enclosing the rear garden. During the course of the application, a revised proposal was submitted to set back the new boundary wall from the edge of pavement by approximately one metre to allow new hedges or shrubs to be planted in front of the new wall. In addition, the proposed elevation shows the new wall would be constructed in brick and would also have a 'staggered' effect to match those of the existing boundary wall in the locality. The new wall would also match the height of the existing boundary walls.

- 5.4 Whilst the loss of the verge would be undesirable and the proposal would result in a loss of open space, given its appropriate height, matching material and construction details and the setting back location, it is considered that the revised scheme, on balance, would be adequate to ensure that the development would not be detrimental to the character or appearance of the street scene. In addition, the recent site visit also reveal that there is evidence of some boundary wall along Church Farm Close. Provided that the brickwork and construction details would match those of the existing properties, it is not considered that the proposal would cause an unacceptable impact upon the character and appearance of the locality. As such, the proposal would comply with Policy CS1 of the adopted Core Strategy and Policy PSP1 of the adopted PSPP.

5.5 Residential Amenity

Policy PSP38 of the Policies, Sites and Places Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space. Policy PSP8 specifically relates to impacts on residential amenity, and outlines that unacceptable impacts could result from (but are not restricted to); loss of privacy and overlooking; overbearing and dominant impact; loss of light; noise or disturbance; and odours, fumes or vibration.

5.6 The proposed new boundary wall would be constructed closer to the public highway and it would still retain some reasonable distance from the neighbouring properties. As such, it is not considered that its erection would give significant rise to any overbearing or overshadowing issues to be detrimental to the living conditions of the nearby residents. Overall it is considered that the proposal therefore complies with policies PSP8 and PSP38 of the Policies, Sites and Places Plan.

5.7 Highway Safety

The existing parking and access arrangement would not be affected by the proposal, therefore, there is no highway objection.

5.8 Other matters

Residents raised concerns are noted regarding the potential damages upon the neighbours' boundary wall. It should be noted that it is the onus for the applicant to ensure that any new boundary wall is structurally sound and regularly maintained and it would be a civil private matter. The residents also mentioned about the loss of an existing apple tree and the potential overshadowing over the neighbours' growing plant. As these landscaping features are not statutorily protected, it would not be reasonable to refuse this application from the landscaping perspective.

5.9 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.9 With regards to the above this planning application is considered to have a neutral impact on equality.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission be granted subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The materials to be used in the construction of the new boundary wall hereby permitted shall match those used in the existing boundary wall.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

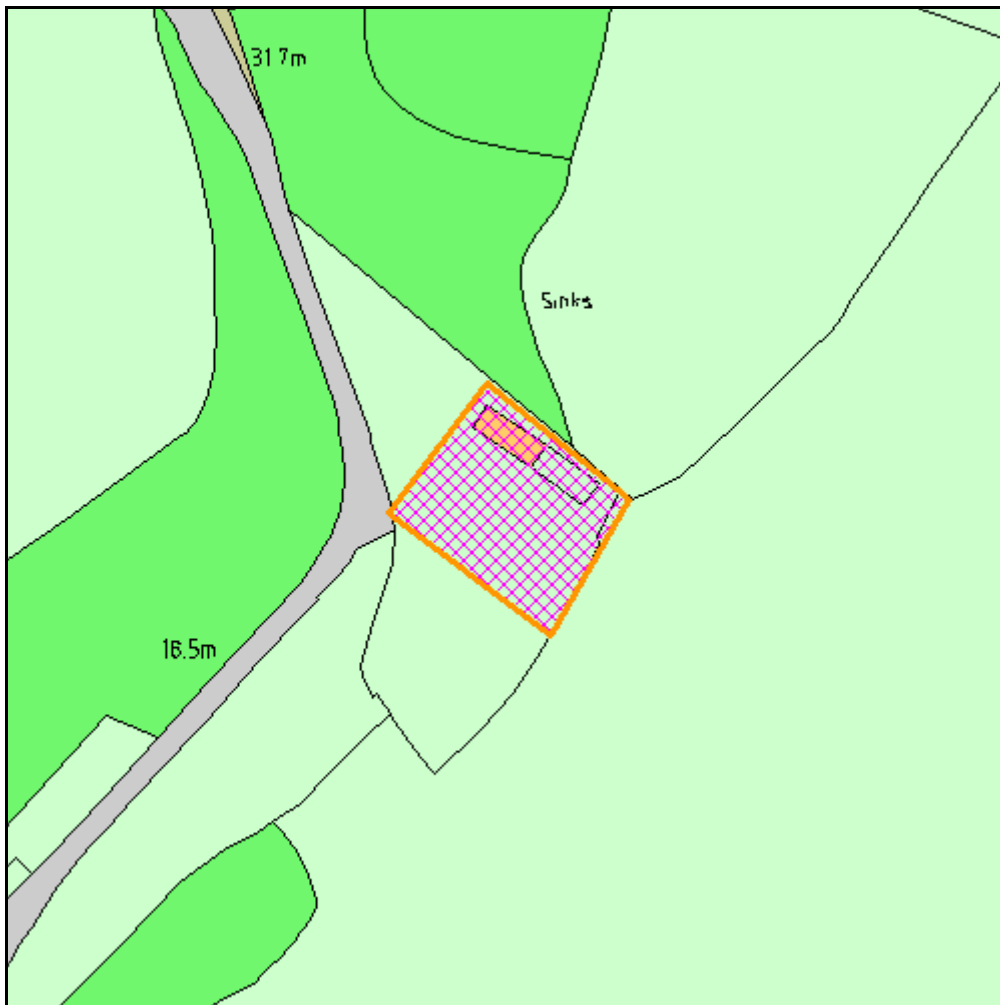
3. Within three months following the commencement of the proposed development hereby approved, a detailed planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The planting scheme shall include schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The agreed planting scheme shall be carried out within the first planting season following the completion of the approved development.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 43/19 – 25 OCTOBER 2019

App No.:	P19/5477/F	Applicant:	Mr Richard Boissevain
Site:	Hanham Court Ferry Road Hanham Bristol South Gloucestershire BS15 3NT	Date Reg:	4th June 2019
Proposal:	Demolition of existing stable building and erection of 1no tractor barn.	Parish:	Hanham Abbots Parish Council
Map Ref:	364940 170266	Ward:	
Application Category:	Minor	Target Date:	25th July 2019



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P19/5477/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation, the application is required to be taken forward under the Circulated Schedule procedure. This is due to the application being subject to a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of an existing stable building and erection of 1no. tractor barn at Hanham Court, Hanham.
- 1.2 The application site comprises the grounds of the grade II* listed Hanham Court. The site is located to the south of the area defined as the east fringe of the Bristol Urban Area, and within the Bristol and Bath Green Belt. The main building at Hanham Court functions as a residential unit. However it should be noted that the grounds are open to the public at certain times of the year.
- 1.3 As well as the main grade II* listed Court, a grade II* listed Tithe Barn is situated towards the northern end of the site. At present, the barn is used for the storage of machinery and equipment used to maintain the grounds. However the condition of the barn is deteriorating, with the roof of the building beginning to fail.
- 1.4 In terms of the proposal, the proposed tractor barn would be situated towards the south of Hanham Court complex, and would be situated approximately 150m from the main house. The proposed barn would be constructed in place of an existing, largely unused stable building. The proposed tractor barn would incorporate a pitched roof, with a catslide element to the rear. The barn would include four bays, and would be finished in a mixture of natural stone and timber. Metal railing gates would be used to provide each bay with a secure door. The building would be used for the storage of equipment and machinery predominantly associated with the maintenance of the grounds.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework Feb 2019
National Planning Policy Guidance (2014)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility

CS9	Managing the Environment and Heritage
CS34	Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP7	Green Belt
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP38	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
PSP44	Open Space, Sport and Recreation

- 2.3 Supplementary Planning Guidance
 Development in the Green Belt SPD (Adopted) 2007
 Design Checklist SPD (Adopted) 2007
 Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 P19/3048/F

Erection of a greenhouse.

Approved: 14.06.2019

3.2 PK09/0873/F

Change of use of private garden (C3) to 'open garden' to public, sui generis.

Approved: 02.07.2009

3.3 PK00/1147/F

Retention of a greenhouse, and retention of a pool and retention of a maximum 4.3 metre high wall.

Approved: 27.06.2000

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council No comment

4.2 Internal Consultees

Conservation Officer

As proposed, by reason of scale and siting, the proposed new tractor shed could be considered to result in a degree of visual intrusion and harm into the wider setting of this historic complex of buildings. However, the potential benefits of the new structure in helping facilitate the restoration of the grade II* Tithe Barn could, in my view, outweigh this harm.

It is therefore critical that the construction of the new building is tied to the repair of the barn and as per above, I would suggest we consider a two pronged approach that sets out a timeframe for the wider restoration but as a fall back secures the key repairs considered necessary within a 12 month period.

Ecology Officer

The submitted ecological information is acceptable. No objection subject to conditions requiring the development to proceed in accordance with the submitted Building Inspection Report, and evidence of the installation of ecological enhancement features being submitted.

Landscape Officer

No objection

Highway Structures

No objection

Lead Local Flood Authority

No objection subject to informatives

Sustainable Transport

No comment

Tree Officer

No comment

4.3 External Consultees

Historic England

No objection. However some concerns which should be explored and addressed relating to: proposed roof materials (clay pantiles); whether size/scale of building is necessary as some floor space unoccupied; and whether loft stretching full extent is essential/whether eastern end could be dropped in height.

Other Representations

4.4 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed barn would be used to house equipment used to maintain the extensive grounds. As such, it is acknowledged that to a degree, the barn would be used in association with the residential occupation of Hanham Court. Whilst the structure would be located a considerable distance from the main building, given the nature of the main building and site as a whole, the barn is considered to be located within the curtilage of the building, and to have an ancillary function. Policy PSP38 of the Policies, Sites and Places Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport.

5.2 However given that there is an extant planning permission in place for the site to function as an 'open garden to public', the site is also considered to serve a recreational purpose. The barn would store equipment used for the maintenance of the grounds, and would therefore, to a degree, be associated with the recreational use. It can therefore be considered as a form of improvement to the recreational facility in the form of the gardens.

5.3 To this end, Policy PSP44 of the Policies, Sites and Places Plan relates to development proposals for outdoor sport and recreation. Part 2 of Policy PSP44 outlines that proposal(s) for the development, expansion or improvement of outdoor sports and recreation facilities outside the urban areas and the boundaries of settlements, as defined on the Policies Map, will be acceptable where the proposal would:

- a) be highly accessible (for facilities that are likely to be major travel generators);
- b) not have an unacceptable effect on the historic environment, character and diversity of the landscape;
- c) not give to unacceptable levels of on-street parking;
- d) not result in any external advertisements or lighting that would have unacceptable impacts on amenity or highway safety.

5.4 The policy moves on to state that new buildings will be acceptable where the conversion or re-use of existing buildings is not viable and where they are essential for and proportionate to the use of the land for outdoor sport and recreation.

5.5 In terms of the above criteria, clauses (a), (c) and (d) are not considered to be relevant to this proposal. The applicant has outlined that there are no existing buildings at the site which are suitable for the storage of the related machinery and equipment. It is noted that some machinery, such as a tractor, are stored within the existing historic Tithe Barn. However the applicant has outlined that not only is the Tithe Barn in need of urgent intervention, but the overall internal arrangement make the building unsuitable for the storage of such machinery. Overall, it is accepted that the conversion or re-use of existing buildings is not a viable option.

- 5.6 In terms of clause (b), determining whether the proposal meets this clause requires a more detailed assessment of issues. This will be carried out throughout the remainder of the report, and provided that the development would have no unacceptable effect on the historic environment or the character and diversity of the surrounding landscape, the development is considered to comply with PSP44. However the site is situated within the Bristol and Bath Green Belt, and the development must therefore accord with the principles of Green Belt policy to be acceptable.
- 5.7 Green Belt
Policy CS5 and CS34 of the Core Strategy and policy PSP7 of the Policies, Sites and Places Plan support the protection of the Green Belt from inappropriate development. The NPPF also attaches great importance to the Green Belt – with development in the Green Belt generally being considered inappropriate. However, there are limited categories of development within the Green Belt that are not considered to be inappropriate.
- 5.8 One such category is the provision of appropriate facilities for outdoor sport and outdoor recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As discussed above, the proposed tractor barn would be used to store machinery and equipment used to maintain the grounds. On the basis that the grounds are open to the public, they are considered to represent a facility for outdoor recreation, and the provision of a new building to aid in the maintenance of the grounds is considered to represent a modest enhancement of the facility.
- 5.9 Furthermore, whilst the building would be of a considerable scale, it would not be located in an overtly open area, and would be largely surrounded by substantial vegetation. As such it is considered that the openness of the land would be preserved.
- 5.10 Another relevant category is the redevelopment of previously developed land, provided that the development would not have a greater impact on the openness of the Green Belt than the existing development. In this instance, the proposed tractor barn would replace an existing stable building. Given that the proposed location is currently occupied by a building, this small portion of the site can be considered as being previously developed.
- 5.11 In terms of the impact on openness, it is acknowledged that the proposed building would be considerably larger than the existing stable building. However as discussed above, the building is to be positioned at a secluded part of the site, which is largely surrounded by vegetation and is set on lower ground. As such, the impact of the development on openness would, in reality, be minimal. As such, given the context of the development, it is not considered that the proposed development would have a significantly greater impact on openness than the existing development.
- 5.12 On the basis of the assessment set out above, it is concluded that the removal of the existing stable building and the provision of the new tractor barn would comprise an appropriate form of development in the Green Belt. Given the characteristics of the development site, it is also not considered that the

development would have an acute impact on the openness of the land, or conflict with any of the purposes of Green Belt policy. In respect of Green Belt, the development is therefore found to accord with policies CS5, CS34 and PSP7, as well as the provisions of the NPPF.

5.13 Visual Amenity and Heritage Impact

Policy CS1 of the Core Strategy seeks to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Policy CS1 is fully compliant with design guidance in the NPPF.

5.12 Policy PSP17 of the Policies, Sites and Places Plan and policy CS9 of the Core Strategy relate to conservation, and seek to protect the character and appearance of conservation areas and the significance and setting of heritage assets such as listed buildings.

5.13 In terms of the general design of the building, there are no major concerns. The barn would incorporate a traditional oak frame with stone wall ends. The overall design is typical of a traditional tractor barn, and is considered to represent the most appropriate approach. The main consideration therefore is the extent to which the development would affect the significance and setting of designated heritage assets.

5.14 In line with the comments of the conservation officer, it is considered that given its considerable mass, the provision of a new tractor barn would result in a level of potential visual intrusion into what is a very natural and picturesque landscape. Consequently, whilst there may be no direct visual impact in significant views from the Court, the potential impact can be considered to be harmful to the wider natural setting of this very important group of designated heritage assets.

5.15 It is therefore considered that the development would lead to less than substantial harm to the significance of a designated heritage asset. Paragraph 196 of the NPPF dictates that where a development leads to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.

5.16 In terms of the justification for the development, weight must be attributed to the purpose of the development proposal. The provision of the new barn would allow for machinery and equipment; some of which is currently stored within the grade II* listed Tithe Barn, to be stored within a new, purpose built facility. The new barn would therefore allow for machinery to be decanted out of the Tithe Barn; but still stored securely. The emptying of the Tithe Barn would subsequently allow for urgent repair works to the Tithe to be carried out, and would also create the potential for a new, more optimal/viable use to be introduced to the barn. The applicants have outlined that this is entirely their intention, and there is no reason to dispute this.

- 5.17 The wider benefits of providing a new storage building to facilitate works to the Tithe Barn can be broken down in to two key elements. Firstly, this would allow for urgent repair works to be carried out to the Tithe Barn, which would secure the future of the building. Given the historical significance of the building and the fact that it is grade II* listed, it is considered that the repair of the structure would result in a clear public benefit. The fact that the grounds are open to the public also increases the extent to which the repair of the building would benefit the wider public.
- 5.18 In terms of the second element, the decanting of equipment in to another building and subsequent repair of the Tithe Barn would facilitate the introduction of a new, long-term use to the building. The applicants have outlined that it is their intention for a more financially viable use to be introduced, with any additional income generated financing the ongoing maintenance of the building. A new, more optimal use could also open up the heritage asset to members of the public; as opposed to the building simply being used for storage purposes.
- 5.19 In terms of the first element, given the significance of the asset, it is considered that facilitating the repair of the building would result in a sufficient public benefit, as to outweigh the less than substantial harm identified. In terms of the second element, as any ideas for a new use are still at the early phases of consideration, and introducing a new use may well require further planning and/or listed building consent, only limited weight can be afforded to any wider public benefits at this time.
- 5.20 Notwithstanding this, on the basis that the development would facilitate the restoration of the Tithe Barn, the development is considered to meet the test as set out in Paragraph 196 of the NPPF. However this is only on the basis that the works to the Tithe Barn are secured. Given that securing any such works would require a number of stages to be agreed, this is considered to go beyond the scope of a planning condition. As such, the most appropriate means of securing the works in order to make the development acceptable in planning terms is through the agreement of a Unilateral Undertaking under Section 106 of the Town & Country Planning. This is to be agreed prior to a formal decision being issued.
- 5.21 The conservation officer has outlined that in order to outweigh the less than substantial harm identified, there needs to in effect be a clearly set out, enforceable sequential approach that delivers the repairs within a short time frame. The “repairs” can be broken down into the following parts:
1. Condition survey - which should then inform a;
 2. Schedule of repair, which should be agreed in writing prior to the submission of a;
 3. Listed building application to cover the works that would go beyond “repair” and;
 4. Implementation of the LB application/ schedule of repair.

- 5.22 Subject to a Unilateral Undertaking securing the above being agreed, the less than substantial harm identified would be outweighed by the wider public benefits associated with the development. In terms of securing any future use, as this is only in the early concept stages, it is not considered that securing any future use would meet the tests of a planning obligation. However subject to a legal agreement securing repairs together with a condition requiring details of proposed roofing materials to be agreed, it is concluded that the development accords with policies CS9, PSP17 and the provisions of the NPPF.
- 5.23 Landscape Impact
The proposed building would be situated towards the southern end of the site. The immediate surrounding land has a varying topography, and the proposed building would be set on a lower piece of ground; against a backdrop of existing vegetation. As such, whilst the building would be visible from certain parts of the site, it would not hold an overly prominent position. As such, it is concluded that the proposal would have no significant adverse impact on the character and beauty of the wider landscape.
- 5.24 Residential Amenity
The proposed barn would be set a significant distance from any neighbouring properties. As such, it is not considered that the development would have any adverse impact on the residential amenity of nearby residents.
- 5.25 Transport
The development would not alter the existing vehicular parking and access arrangements associated with the site. It is acknowledged that the provision of the tractor barn at the location proposed would potentially lead to additional vehicular movements within the site. However these movements would be contained within the site, and as such there would be no impact on the surrounding transportation network.
- 5.26 Ecology
Given the rural nature of the site and the fact that the development includes the demolition of an existing building, a building inspection report was submitted in association with the application. The report outlines that no evidence of roosting bats or nesting birds were found during inspection, and that the building has limited potential to provide a habitat for either species. The ecology officer has reviewed the submitted report, and concurs with its findings.
- 5.27 As such, there are no fundamental concerns with the proposal from an ecological perspective. However the submitted report does make recommendations to address any future impact of the development on commuting bats and nesting birds, and recommends a number of mitigation measures. The ecology officer agrees with the measures and considers the measures to be appropriate.
- 5.28 As such, subject to conditions requiring the works to proceed in accordance with mitigation measures, and recommended ecological enhancement features to be installed, the development would be acceptable from an ecological perspective.

5.29 Trees

There are a number of trees situated in close proximity to the proposed building, and as such the applicant has submitted an Arboricultural Impact Assessment and Method Statement in support of the application. The tree officer has raised no concerns with this document, and as such subject to a condition requiring works to proceed in accordance with the report, it is not considered that the development would have any unacceptable impact on trees.

5.30 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

5.31 With regards to the above this planning application is considered to have a neutral impact on equality.

5.32 Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

5.33 As set out in the heritage section of this report, it is concluded that the provision of the new tractor barn would result in less than substantial harm to the significance and setting of Hanham Court. However the harm identified is considered to be outweighed by the wider public benefits of facilitating the repair of the existing Tithe Barn. As the decanting of machinery and equipment stored within the Tithe Barn in to a new building would allow for works to the Tithe Barn to be carried out, the planning obligation relating to the Tithe is considered to directly relate to the tractor barn development. As all of the works relate to ancillary buildings associated with Hanham Court, and are works that the applicant intends to carry out anyway, the obligation is considered to be fairly and reasonably related in scale and kind to the development.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into a Unilateral Undertaking under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following;
- i) Within two months of the granting of consent, the owner/occupier shall undertake a condition survey to inform a “schedule of repair” that shall include a programme of implementation that is to be submitted and agreed in writing by the Local Planning Authority.
 - ii) In accordance with the timescales set out within the agreed “schedule of repair”, a listed building application to cover the works that would go beyond “repair” shall be submitted to the Local Planning Authority for consideration.
 - iii) Any works approved under the listed building consent shall then be undertaken within three months of listed building consent being granted.

Reason

In order to secure the repair of the grade II* listed Tithe Barn, to ensure that the development results in a wider public benefit which outweighs the less than substantial harm to designated heritage assets, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

- 7.2 If the legal agreement is not entered into within 6 months of the resolution then the application should either return to the Circulated Schedule, or be refused in relation to the harm to the designated heritage asset.

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. Prior to the application of any roofing materials, details of the roofing materials proposed to be used in the finish of the approved tractor barn shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, and thereafter retained as such.

Reason

To ensure that the development serves to preserve the character and appearance of Hanham Court, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out within the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan Development Plan Document (adopted November 2017).

3. The demolition of the existing stable building shall proceed in strict accordance with the Mitigation Measures provided in Chapter 5 of the Building Inspection report (Abricon Ltd, May 2019).

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and well-being of the protected species, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

4. Within one month of the construction of the approved tractor barn being substantially complete, evidence of the installation of the ecological enhancement features recommended in the Building Inspection report (Abricon Ltd, May 2019) shall be submitted to the Local Planning Authority for approval in writing. This shall include, but is not limited to, bird boxes and bat boxes.

Reason

In pursuit of a net gain in biodiversity and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 and the National Planning Policy Framework.

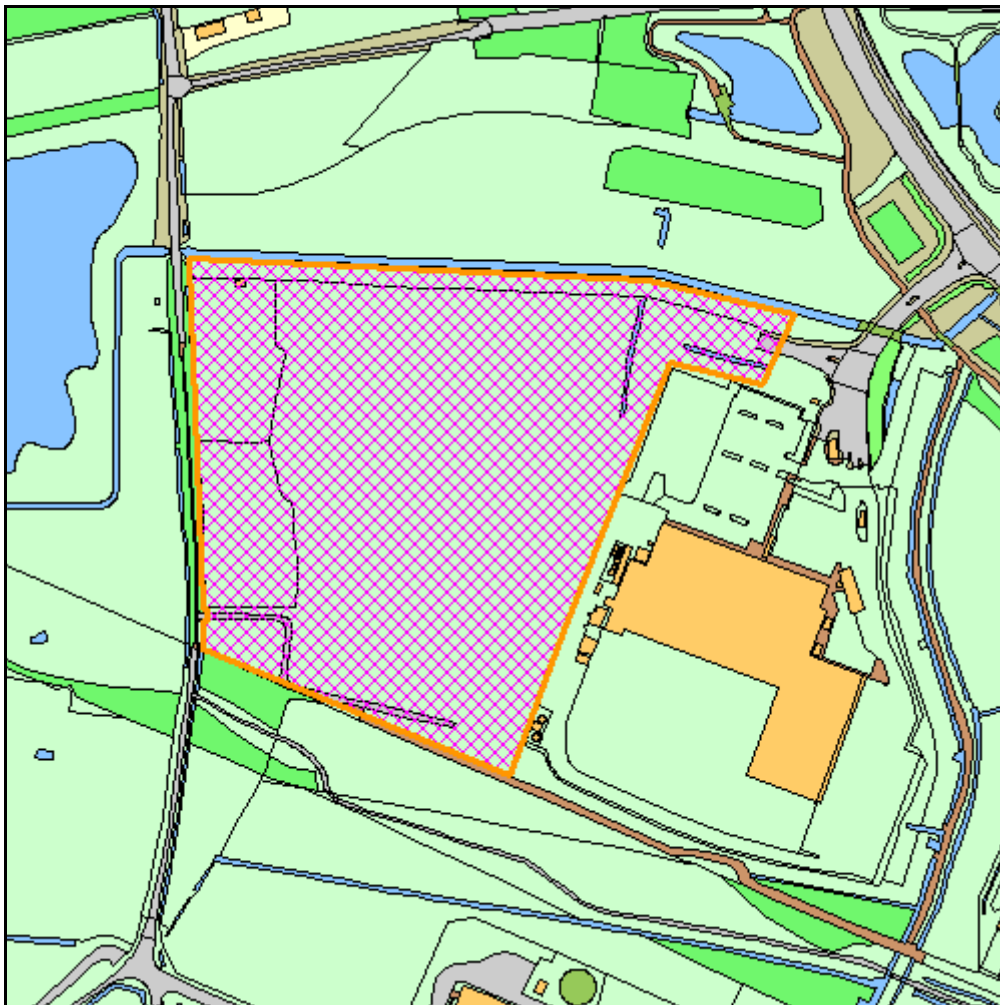
5. The works shall be carried out strictly in accordance with the submitted Arboricultural Impact Assessment and Method Statement, produced by Hillside Trees Ltd. and received on 12th June 2019.

Reason

To protect the long term health of the trees and the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017, and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 43/19 – 25 OCTOBER 2019

App No.:	PT18/3709/F	Applicant:	EU Platform LLC And Trebor Developments LLP
Site:	8020 Western Approach Distribution Park Severn Beach Bristol South Gloucestershire BS35 4GG	Date Reg:	29th August 2018
Proposal:	Erection of 3no. buildings for light industry (Class B1c), General Industry (Class B2) and Storage and distribution (Class B8) with ancillary offices, associated access, parking, landscaping and associated works.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354922 183590	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	27th November 2018



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N.T.S.

PT18/3709/F

South Gloucestershire Councillors have five working days from date of publication to consider whether items appearing on the Circulated Schedule should be referred to the Development Management or Strategic Sites Delivery Committees for determination.

CIRCULATED SCHEDULE

This report appears on the Circulated Schedule due to objections from local residents contrary to Officer Recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 3no. buildings for light industry (Class B1c), General Industry (Class B2) and Storage and distribution (Class B8) with ancillary offices, associated access, parking, landscaping and associated works. The application site consists of 5.8ha of former agricultural land (now comprising a mixture of hardstanding and bare ground to the north of the former Astra-Zeneca landholding and west of the existing Warburton's facility within the Western Approach Distribution Park to the south-east of Severn Beach. The site is surrounded by a number of industrial/commercial units. The site is also located in Flood Zone 3.
- 1.2 During the course of the application the sensitive ecological nature of the site was identified and additional work was required in terms of surveys and appropriate mitigation.
- 1.3 Within context the application site is located within the Western Approach Distribution Park. The site is accessed via Govier Way which is a distributor road off A403. An outline application was approved for the comprehensive development of land at Severnside. Subsequently in June 1995 outline (P94/0400/8) consent was given for a storage and distribution park. In 2001 (PT01/0293/RVC) consent was given to vary the time by which the reserved matters had to be submitted by a further 4 years and then in February 2005 (PT05/3568/RVC) a further extension was given.
- 1.4 The proposal is for 3 units, for B1(c) light industry appropriate in a residential area, B2 (General Industry) and B8 (Storage or Distribution) uses the end-user(s) will use the proposed units for either one of these uses. The proposal is speculative at this stage. To the north, a natural buffer of soft landscaping will sit between the development and an existing stream, to the east landscaping will buffer against the Warburtons site, to the south an existing right of way is to be maintained and to the west are Orchard Pools, the Severn Estuary SPA (special protection area) and RAMSAR (European Site), a Wetland of international importance. The site is an obvious one for inclusion in the Western Approach Distribution Park.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework February 2019
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS7	Strategic Transport Infrastructure
CS8	Improving Accessibility
CS11	Distribution of Economic Development Land
CS12	Safeguarded Areas for Economic Development
CS35	Sevenside

South Gloucestershire Local Plan Policies Sites and Places Plan Adopted November 2017

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP9	Health Impact Assessments
PSP10	Active Travel Routes
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP18	Statutory Wildlife Protection
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water, and Watercourse Management
PSP21	Environmental Pollution and Impacts
PSP26	Enterprise Areas
PSP27	B8 Storage and Distribution Uses

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted) Nov. 2005.

South Gloucestershire Design Checklist (Adopted) 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide
SPD – (Adopted) March 2015

South Gloucestershire Council Waste Collection: guidance for new
developments SPD (Adopted) Jan 2015

3. **RELEVANT PLANNING HISTORY**

The site has an extensive planning history and full details can be found on the Council's website. The latest applications are listed below.

- 3.1 PT12/048/SCR Erection of a distribution warehouse with ancillary offices, parking areas and landscaping. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission P94/0400/8 amended by PT05/3568/RVC). (Consent to extend time limit implementation for PT09/0461/RM) Screening Opinion for PT12/3428/EXT
EIA not required 14.11.12

- | | | |
|-----|---------------|--|
| 3.2 | PT12/3428/EXT | Erection of a distribution warehouse with ancillary offices, parking areas and landscaping. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission P94/0400/8 amended by PT05/3568/RVC). (Consent to extend time limit implementation for PT09/0461/RM). |
| | Approved | 11.12.12 |
| | | |
| 3.3 | PT09/0461/RM | Erection of a distribution warehouse with ancillary offices, parking areas and landscaping. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission P94/0400/8 amended by PT05/3568/RVC). |
| | Approved | 14.12.09 |
| | | |
| 3.4 | PT05/3568/RVC | Variation of condition 4(a) attached to planning permission PT01/0293/RVC to permit the gross floorspace to exceed 2,350,000 square feet. |
| | Approved | 24.2.06 |

4. **CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council
No comment

Internal Consultees

3.2 Ecology

Objection:

Whilst developing out the site formed part of the formal 'Review of Consent' of the 1957/58 ICI permission under Regulation 63 of the Habitat Regulations 2017 – entitled the 'Cresswell Report'- there is nonetheless the potential for the scheme to disturb/displace SPA waterfowl associated with the adjacent Orchard Pools which was identified as supporting gadwall, one of the qualifying species for the Severn Estuary SPA/Ramsar. This likely impact needs to be satisfactorily addressed within the application and prior to it being determined.

Aside from this, the application also needs to clarify the points raised above in regard to the apparent loss of species-rich grassland beside the rhine adjacent to the northern site boundary; and whether the trees with (moderate and high) potential for roosting bats within hedge H2 will be retained. The application moreover also indicates that the external lighting along the western boundary as presently proposed will result in light spilling over the hedgerow, compromising its use as foraging/commuting bat habitat and deterring bats from using the two trees, T 3 and T5, identified as having moderate – high potential as roosts.

Updated comments:

An Appropriate Assessment of PT18/3709/F dated September 2019 and carried out by South Gloucestershire Council concluded that it was not likely to result in a significant adverse effect on the conservation objectives of the Severn Estuary SPA and Ramsar (European Sites) provided development was carried

out in strict accordance with a series of mitigation measures to form the basis of a number of planning Conditions.

Given this, there are no ecological constraints to granting planning permission.

A series of planning Conditions should be attached in relation to said mitigation measures (as detailed and agreed with Natural England within the AA) and in regard to bats, badger, great crested newt and reptiles, hedgehog, bat and bird nest boxes, a CEMP and a LEMP.

An Informative Note relating to Himalayan balsam will also be required.

3.3 Landscape

The proposed planting should be amended to provide a planting scheme in line with the original masterplan for Western Approach and consistent with the amount of planting indicated on the previously approved scheme. A LEMP (Landscape and Ecology Management Plan) should be submitted as a condition of planning.

Updated comments:

The revised planting plans have been amended as requested and are now acceptable.

The standard planting compliance condition should be added to the permission, with planting to be carried out within the first available planting season following completion of the building works. Any plant failures to be replaced within the first five years with like for like species and specification. A LEMP should also be submitted as a condition of planning.

3.4 Public Rights of Way

No objection subject to a condition.

There is an outstanding public path diversion order relating to plot 8020 which dates from 1997 and concerns public footpath ORN56. This order was made and confirmed but is awaiting certification once the necessary works to complete the diversion have taken place. Subsequent to this order, and in accordance with the then local plan policy LC12 (now replaced by PSP10), planning permission for plot 8000 included a condition for the part of the footpath along the south side of the site to be upgraded to a bridleway to link to a route set out for horseriders by the former owners of the site which runs behind the Royal Mail site and connects to Govier Way. Plot 8000 was subdivided and the owners of plot 8010, Warburtons, have carried out the necessary works for their part of the plot. We would therefore expect to see a condition attached to any consent for plot 8020 for the works to be completed so that the diversion order can be certified and the bridleway properly opened.

3.5 Highway Structures

No objection

3.6 Economic Development

Support:

The proposed development would result in the creation of up to 22,711m² mixed B1c/B2/B8 floorspace within the Avonmouth Severnside Enterprise Area (as designated in the West of England City Region Deal), which is recognised as an area where we expect to see significant employment growth and where specific legislation has been laid down relating to the local retention of business rates. Furthermore, the applicant has indicated that this development could create c.295 jobs. Therefore, the fulfilment of employment opportunities on land designated as Enterprise Area is of key local importance.

The economic development team understands that there is demand for this type of development and it is positive to see investors speculatively developing units to support economic growth and employment activity in the area.

The Strategic Economic Development team supports this application and the significant positive economic implications it presents.

3.7 Conservation
No comment

3.8 Tree Officer
There are no trees affected by the proposal. There is however hedgerow which is currently protected by a chainlink fence. The proposal is to remove and replace the fencing. It is recommended that if the existing fencing cannot be retained that it is removed post development by hand and no machinery should be used. The new fencing should have hand dug holes which should be lined with a membrane in order to prevent toxins leaching into the soil and affecting the existing planting.

3.9 Environmental Protection
No objection subject to an informative relating to construction hours.

3.10 Public Art
No objection subject to a condition for a public art programme that is relevant and specific to the development and its locality and commensurate with its size. The programme should be integrated into the site and its phasing plan.

3.11 Health and Safety Executive
No objection

3.12 Low energy projects

The energy strategy and approach to minimising demand for heat and power is noted and welcome.

The orientation of three warehouses provides significant potential for the installation of solar PV on south, east and west facing roof pitches.

Though not a policy requirement, the applicant is encouraged to consider designing roof systems to allow PV potential to be maximised prior occupation or in the future.

The provision of further information as the design details are confirmed would be useful.

Statutory / External Consultees

3.13 Environment Agency Objection:

Updated comments:

WITHDRAW earlier objection providing the Local Planning Authority (LPA) is satisfied the requirements of the Sequential Test under the National Planning Policy Framework are met, and subject to the inclusion of the conditions.

3.14 Drainage

The Environment Agency (EA) have raised an objection against this application due to an unacceptable Flood Risk Assessment (FRA) being submitted. The applicant needs to overcome this objection. Once the objection has been overcome updated comments will be provided.

Updated comments:

The Addendum document states that surface water runoff is to be discharged into the existing rhine network at a 'free discharge' rate. A pair of ponds are to be constructed on site as part of the drainage strategy for the site which will act as an overflow for the rhine network. This approach to manage surface water runoff is acceptable to us. However, the final design needs to be agreed and signed off by the LSIDB (Lower Severn Internal Drainage Board).

We would recommend that a Flood Emergency Plan be prepared for the site. In terms of the Addendum to the Flood Risk Assessment the existing Environment Agency objection still needs to be overcome.

3.15 Transport

No objection subject to a Travel Plan being produced for each element of the site.

3.16 Natural England

Objection:

In terms of potential effects on the Severn Estuary uncertainty relates to the potential disturbance to SPA species using Orchard Pools. Noise and effects on bird behaviour is an extremely complex subject, with many variables. Based on more recent internal guidance, NE's advice focuses less on achieving 70db LA MAX per se and much more on limiting an increase in noise (based on existing background levels). As a rule of thumb, increases of 3dB or more against existing levels could be significant, but this should be viewed with caution.

The LPA's assessment concludes that the authority cannot rule out the likelihood of significant effects arising from the proposal, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.

Natural England therefore advises that the authority should not grant planning permission at this stage. An appropriate assessment should now be undertaken, in order to assess the implications of the proposal for the European site, in view of the site conservation objectives. Natural England is a statutory consultee at the appropriate assessment stage of the Habitats Regulations Assessment process.

Updated comments:

South Gloucestershire Council, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that the Council is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given, as set out in section 8 - Conditions.

Other Representations

3.17 Local Residents

Three letters of objection have been received from local residents. The points raised are summarised as follows:

- Design and density and layout not acceptable here
- Important area for wildlife
- Impact on residential property
- Fails to respect Ableton Lane
- Landscape/planting
- Parking provision
- Flood risk and surface water management
- Proposal would reduce efficiency of adjacent wind turbine
- No form of renewable energy on site

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is for the erection of 3 no. buildings for light industry (Class B1c), General Industry (Class B2) and Storage and distribution (Class B8) with ancillary offices, associated access, parking, landscaping and associated works.

5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. The application site is located within Severnside where policy CS5 and CS11 direct economic development. In addition, the site is allocated as a safeguarded employment site under policy CS12(45) and the past planning permissions (listed in sections 1 and 3) indicate that economic

development on this site is acceptable in principle. Of particular relevance is the ecological sensitivity of the site, the impact on the amenity of closest properties and on the transport network. Therefore the development should be assessed against the analysis set out below.

- 5.3 In addition the National Planning Policy Framework advises that planning authorities should adopt a positive and constructive approach towards planning applications for economic development Paragraph 80 states: *Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

- 5.4 Subject to the following material planning considerations the proposed development is considered acceptable in principle.

5.5 Flood Risk

In considering this issue there are two material planning considerations. Firstly ensuring that development is located appropriately having regard to flood risk meaning the risk from the sources of flooding and secondly that appropriate drainage solutions are in place to ensure that a development in itself does not create a flood risk elsewhere.

- 5.6 The entire application site is located within Flood Zone 3a as set out in the current flood zone mapping provided to the Local Planning Authority by the Environment Agency. The National Planning Policy Framework sets out in Table 2 that certain development is appropriate and other development is inappropriate having regard to the type of development and the location. In this case the proposed development comprises a “less vulnerable” land use which is defined as an appropriate use within Flood Zone 3a.

- 5.7 Notwithstanding that the form of the development is considered appropriate, the key aim of the NPPF is to direct development towards the areas which have the lowest risk. Only where there are no reasonably available sites in these areas should the suitability of flood zone 3 be considered.

- 5.8 Paragraph 162 of the NPPF advises that:

Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. This is considered to be broadly the case here as the site lies in an area where the principle of commercial development has been accepted.

- 5.9 It is also noted that other recent, similar development proposals have been found acceptable in this area. Policy CS35 of the Core Strategy specifically identifies that the land within which this site sits and is covered by the 1957/58 consents and notes it will be safeguarded and developed for distribution. The Policy indicates that site specific flood risk assessments should be produced to take into account the possible cumulative impact of development and such an assessment has been produced in this case. The site is also a safeguarded

employment site as set out in Policy CS12. It is also significant that alternative locations for a development of this scale are very limited. Policy PSP27 identifies Severnside as one of the three preferred locations for B8 uses over 3,000 sq.m (this development is over 9,000 sq.m). For the above reasons it is considered that the site while in Flood Zone 3a, is appropriate for this form of development.

- 5.10 A flood risk assessment has been produced for the site which includes a drainage strategy.. Surface water run-off is proposed to be directed to an attenuation pond which involves an expansion of an existing rhine. The proposal will include raising ground levels to a finished floor level of 7.6 AOD across the site with the car park and access set at 7.1m AOD. Foul water is to be directed to a pumping station on site and then on to the public sewer. While the concern raised regarding the raising of levels is noted, the Environment Agency have viewed this proposal and the FRA and consider it acceptable, recommending that a condition is attached to the decision to ensure that all works take place in accord with the findings of the FRA.
- 5.11 The Lead Local Flood Authority has viewed the details submitted for surface water drainage and consider these acceptable in principle. As well as a condition as set out above to ensure that all works take place in accord with the submitted flood risk assessment, a condition will be attached to the decision notice to ensure that all works take place in accordance with the Sustainable Urban Drainage Scheme. Subject to these conditions the development is considered acceptable in drainage and flood risk terms.
- 5.12 Ecology
The application site lies within the coastal floodplain some 0.6km from the shoreline of the Severn Estuary SPA/SAC/Ramsar. The Ecological Assessment initially omitted to address any potential impacts on the European Site arising from the development proposals.
- 5.13 The Severn Estuary is designated as a SPA under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive') by reason of it supporting a range of specified waders/wildfowl, including shelduck, gadwall, dunlin and redshank, and a qualifying assemblage of species of water birds. The Estuary is also designated as a Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance, qualifying (in part) because of its importance for migratory birds during passage periods in spring and autumn.
- 5.14 Whilst the application site lies outside the SPA boundary, the same legal protection applies to the qualifying species and assemblages outside the boundary of SPA/Ramsar sites – for example, when these birds move inland to use wetland habitat close to the shore at high tide. These sites – known as 'high tide roosts' – are regarded by bodies such as the RSPB and Natural England as being critically important for the conservation of waterfowl around the coast and estuaries of Britain. Accordingly, the application would have the potential to directly and significantly affect the Severn Estuary SPA/Ramsar through a loss of habitat if the site were being used by any of the qualifying species or assemblage of birds; or more remotely, indirectly through a

disturbance/displacement of birds from the foreshore due to noise during the construction and operational phases.

- 5.15 Regulation 63 (formerly Regulation 61) of the Habitats Regulations 2017 states that where a 'plan or project' – for example, a planning application - is likely to have a significant effect on the European Features of Interest of a SPA, SAC or Ramsar and is not '*directly connected with or necessary to the management of the site*', it should be subject to an '*appropriate assessment*'. This is to assess the likely impact of development on those features of interest for which the site has been designated (certain species of waders or wildfowl in the case of the SPA). Any planning application likely to significantly affect a European Site would therefore ordinarily need to supply sufficient information at a suitable level of detail to enable an '*appropriate assessment*' to be carried out by the '*competent authority*' - in this case, the local planning authority. A 'Habitat Regulations Assessment' (HRA) has to be carried out prior to granting any '*consent, permission or other authorisation*', including planning permission.
- 5.16 Submitted details identified that the noise of construction and from operational use is unlikely to have a significant effect on SPA waterfowl using the foreshore of the SPA/Ramsar due to the distance involved, being some 0.6km away from the European Site, and being separated from it by the former Avlon Works. Moreover, any noise arising during the construction or operational phase of development will merely blend in with the general background noise of the Western Approach Business Park.
- 5.17 The application site lies immediately adjacent to two large water bodies (known locally as 'Orchard Pools') which are used by SPA waterfowl and where significant numbers of gadwall, one of the SPA's qualifying species, have been recorded (the threshold for significance being >1% of the 5 Year Mean Estuary population). The retention of the Pools and their continued use by waterfowl moreover formed part of the baseline calculations for retained wetland habitat within the Cresswell Report (Review of Consent). Excessive noise is known to cause the displacement of water birds from foraging or 'loafing' habitat and the revised Ecological Assessment cites guidance by the Institute of Coastal and Estuarine Studies (ICES) from 2009 on the threshold levels for noise and their predicted effect on waterfowl. This advice pointed to a threshold of 70dB, above which birds are likely to be displaced from habitat, which is likely to have an adverse effect on these birds through an increased expenditure of energy coupled with reduced food intake.
- 5.18 The Ecological Assessment also cites comments on noise levels made by Natural England, dated 1st April 2011, in relation to application PT10/2360/O at the former Avlon Works to the south of Orchard Pools which similarly advised that a noise limit of 70dB should be set during that development's construction and operational phases.
- 5.19 The application includes a Noise Assessment by Hoare Lea dated 2018 and identified that two aspects of development have the potential to exceed the 70dB level. Hydraulic hammering of concrete and tubular steel piles during construction will generate a peak noise level of 77dB and 75dB respectively and Section 3.1.3 proposes a series of measures to reduce these levels to

beneath the 70dB threshold. It should be noted that these levels are not an issue should construction be staged to take place during the spring/summer months as this is outside the sensitive over-wintering months (October and March inclusively), although this does not appear to have been proposed in the Ecological or Noise assessments as part of any mitigation (avoidance or reduction) measures.

- 5.20 The Noise Assessment also predicts that two aspects of operating Unit 2 – the loading/unloading of lorries by pallet trucks; and the hitching/unhitching of lorry trailers – will exceed the upper noise limit of 70dB (71dB and 74dB respectively). However, it notes that this is without any form of noise attenuation and contends that the parking of lorries along the boundary of the Unit 2 service yard adjacent to Orchard Pools is likely to reduce noise levels to a level beneath the 70dB threshold advised by Natural England and provide screening for the water bodies.
- 5.21 However, the submitted noise assessments were invoking a noise threshold identified some 8-10 years ago and made by Natural England in relation to an entirely different development (PT10/2360/O, which also incorporated a buffer of semi-natural habitat along its northern boundary).
- 5.22 In their consultee response comments, Natural England identified that the effect of noise on bird behaviour is a complex issue and advised that more emphasis is likely to be placed on limiting an increase in noise from existing background levels as opposed to prescribed thresholds. To that end, it was not clear from the Hoare Lea Assessment, whether background noise levels had been established; and whether these had been factored into the predicted noise levels for the various aspects of construction or operations as identified within the report. Any predicted increase in noise cannot be established without this background figure. .
- 5.23 In addition to these issues of background noise levels and the scope of the Assessment, the development showed a series of (lorry) parking bays within a storage yard adjacent to the western boundary with Orchard Pools. There is no buffer zone between the development and the water bodies other than a thin strip of new landscape planting and the retained gappy belt of trees/hedge comprising the western boundary. The Noise Assessment suggests that these parked HGVs would screen the noise generated by loading/unloading and hitching/unhitching, thereby providing the attenuation to keep levels to under 70dB. However, this is predicated on the vehicles being parked up in significant numbers and permanently which is simply not considered credible. Instead, most of these vehicles are likely to be being loading/unloading or being on the road; and, when present, are likely to be hitching/unhitching immediately alongside Ableton Lane and the Pools. There is moreover no indication as to how the predicted noise levels have been calculated – namely, for the specific activity for individual vehicles; or with the background noise levels across the Business Park and with multiple vehicles all actively using the service area. The Landscaping Plan also appears to show a retaining wall demarcating the edge of the hardstanding adjacent to the western boundary hedge but it is unclear whether this would be high enough to further attenuate the noise arising from the operating of the distribution yard.

- 5.24 It was also unclear if consideration has been given to introducing a 'buffer zone' along the western site boundary to 'push' development further away from the Pools' and its associated SPA waterfowl.
- 5.25 A recent judgement by the Court of Justice of the European Union (CJEU) (Sweetman v Coillte Teoranta, C-323/17) stated that as a 'plan or project' likely to have a 'significant effect' on the conservation objectives of the Severn Estuary European Site (SPA/Ramsar) any planning application needs to be subject to a Habitat Regulations Assessment (HRA).
- 5.26 The 'precautionary principle' underpins both the European Directive and the Regulations. Accordingly, given this principle and the Sweetman judgement, the HRA concludes that a likely significant effect on the conservation objectives of the Severn Estuary SPA/Ramsar through the disturbance/displacement of water birds associated with the adjacent Orchard Pools (including gadwall) from noise arising from the construction or operational phases of the development.
- 5.27 The fundamental issues are around noise generated by the development during construction and post construction (operational period). A revised Noise Assessment by Hoare Lea dated 12th June 2019 was submitted to the LPA which provided more information about the noise and the proposed mitigation.
- 5.28 An Appropriate Assessment (AA) of PT18/3709/F dated September 2019 was carried out by South Gloucestershire Council (in partnership with Natural England). This took full account of the initial and additional information provided by the applicant. The AA concluded that it was not likely to result in a significant adverse effect on the conservation objectives of the Severn Estuary SPA and Ramsar (European Sites) provided development was carried out in strict accordance with a series of mitigation measures to form the basis of a number of planning Conditions.
- 5.29 Given this, there are no ecological constraints to granting planning permission subject to conditions.
- 5.30 In addition, scattered Himalayan balsam, and invasive alien plant species, were recorded in the north-west corner of the site and near the southern site boundary. Removal and disposal of these plants should follow an acknowledged works methodology and this should form the basis of an Informative.
- 5.31 Landscape
The site consists of a relatively flat area of ground which has been cleared of all vegetation and has 2 large topsoil/subsoil storage bunds. The site lies to the west of the existing Warburton's facility within the Western Approach Distribution Park and is bounded to the south, west and northeast by native hedgerows and to the northern boundary by a primary rhine and landscape buffer. Ableton Lane lies beyond the site to the west.

- 5.32 The original Western Approach Masterplan provided a generous landscaped infrastructure, incorporating attenuation ponds and swales linking to the existing rhine system. The original masterplan for the Western Approach required proposed landscaping to be proportionate to the scale of the buildings, however this has been eroded over recent years, especially plots away from the main central avenue. A key component of the development of Western Approach is to ensure that a robust landscape scheme in line with the landscape strategy included within the original master plan is achieved.
- 5.33 Detailed planting plans have been submitted and generally the sizes and specification of proposed planting is acceptable. However the scheme is very 'ornamental' and tree species proposed are often smaller growing species such as Birch; there is space for longer lived, larger species, such as Oak, in some of the peripheral areas of the site. The species choice needs to be consistent with the native species prevalent in earlier development phases and as listed in the approved masterplan.
- 5.34 It is suggested that additional trees should be planted within the car-park areas and some tree and shrub species amended to native species, especially around the site edges, where links into the surrounding hedgerow network could be achieved. It would furthermore, be preferable if some of the ornamental hedges are changed to native hedgerows, where appropriate, to aid this integration into the existing hedgerow structure and wider landscape surrounding the site.
- 5.35 The existing hedgerow along the southern site boundary is fenced off from the site by a metal post and chain-link fence; but new fencing is proposed, the installation of which could damage the hedgerow. It is queried whether the existing fencing could be retained to avoid this. It is also noted that the plans conflict; the landscape plan states the fencing will be pallisade fencing, but the site plan states it will be green 'Jacksons' Euroguard fencing. The latter would be preferable. It is considered that these matters can be dealt with by appropriate conditions attached to the decision notice.
- 5.36 Transport

From the information provided, it is noted that the applicants have undertaken a trip generation and parking accumulation exercise which indicates that this site requires 191 car parking spaces and this number has been incorporated into their proposals. The Council currently has no adopted parking standards for this type of land use, however, this provision would seem inadequate if this site were to be devoted to predominantly B1 uses. The information provided with the application suggests that this would not be the case and the buildings appear broadly configured for B8 type uses. Consequently, the proposal is accepted on this basis. However, the Council seeks to ensure that the use of private cars by employees of these sites is minimised. To this end, it is requested that a travel plan is produced for each element of the site. This would be most effective if the end occupiers are involved in its production and implementation. As such it is recommended that a condition is placed on permission granted for this development to ensure a travel

plan is produced prior to occupation of these buildings and implemented immediately thereafter.

- 5.37 It is considered that the site layout appears to incorporate sufficient space to park and turn vehicles making deliveries to these units. Likewise, cycle and disabled parking have been provided in accordance with the Council's latest adopted standards. Overall and consequently, as these aspects of the development are also acceptable there can be no transport objection to the scheme.

5.38 Design

The proposed units would be typical of the large industrial units found at Western Approach Business Park. On this basis there can be no objection to their design or the proposed materials of smooth metallic silver claddings, curtain glazing and contrasting grey window frames.

5.39 Residential amenity

Given the position of the site, the nearest residential property is around 150 metres north of the proposal. Further, its relationship with the adjoining land uses (predominantly similar commercial buildings) is also considered to be acceptable.

5.40 Public Art

The NPPF highlights the social role of the planning system by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support health, social and cultural well-being. Taking a pragmatic approach it is noted that the general area has benefitted from various pieces of public art and as such the erection of the industrial buildings themselves is considered to outweigh the necessity for any public art in this instance.

5.41 PROW

Comments from the PROW officers indicate there is an outstanding public footpath diversion order which would run to the west and south of the site. In light of this public footpath order ORN56, a suitably worded condition is to be attached to the decision notice to ensure the completion of the works to the footpath is considered appropriate.

5.42 Impact on Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. As a result of that Act the public sector Equality Duty came into force. Among other things, the Equality Duty requires that public bodies to have due regard to the need to: eliminate discrimination; advance equality of opportunity; and, foster good relations between different groups when carrying out their activities.

- 5.43 Under the Equality Duty, public organisations must consider how they could positively contribute to the advancement of equality and good relations. This should be reflected in the policies of that organisation and the services it delivers.

5.44 The local planning authority is statutorily required to apply the Equality Duty to its decision taking. With regards to the Duty, the development contained within this planning application is considered to have neutral impact.

5.45 Conditions

The applicant has agreed to the prior to commencement conditions attached to the decision notice.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 It is recommended that the application is **APPROVED** subject to conditions attached to the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

2. The developer shall notify the Local Planning Authority no later than one month prior to its commencement that the development has commenced.

Reason:

In order to facilitate the appropriate monitoring of condition 15 and 16 of this decision notice.

3. Development shall proceed in accordance with the following plans:

As received by the Council on 29.8.18:

Site location plan - 0200 rev 3

Existing site plan - 0201 rev 2

Proposed site plan - 0301 rev 7

Unit 1 - proposed elevations - 2101 2
Unit 1- floor plans - 2001 - rev 2
Unit 1 accommodation plan - 2002 rev 1
Unit 2 - elevations - 2102 - rev 2
Unit 2 - floor plan - 2003 rev 1
Unit 2 - accommodation plan - 2004 rev 1
Unit 3 - floor plans - 2005 rev 2
Unit 3 accommodation plan - 2006 rev 2
Unit 3 - elevations - 2103 rev 2

As received by the Council on 28.11.18:
Landscape plan 1 or 2 - 02 rev F
Landscape plan 2 of 2 - 03 rev G

As received by the Council on 25.6.19
Fencing plan - A 303
Proposed site plan - 0301 P rev 7

As received by the Council on 24.10.19:
External levels - 201 rev P4
Drainage layout - 202 rev P4
External finishes - 206 Rev P2
Vehicle tracking - 302 Rev 3

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP1, PSP2 and PSP19 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017 and the National Planning Policy Framework.

4. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) Addendum ref c7360_fraa.01.. d, Feb 2009, Couch Consulting Engineers and the following mitigation measure detailed within the FRA:

Finished flood levels must be set no lower than 8.35 metres above Ordnance Datum.

The mitigation measure(s) must be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason

To minimise the effect of any flooding and impact on future occupants which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

5. Prior to development commencing, details of an acoustic attenuation barrier (acoustic fence) to be erected along the western boundary of the application site should be agreed with the Council in writing. The fence should be a minimum height of 2m and

of a type, manufacture and specification (acoustic performance Rw 28-31dB) as indicated in the revised Noise Assessment by Hoare Lea dated 12th June 2019. The barrier should be erected ahead of any development on site to mitigate against displacement of SPA waterfowl (including the qualifying species gadwall) from the adjacent Orchard Pools and any adverse effect on the conservation objectives of the Severn Estuary European Site.

Reason

This is a prior to commencement condition to protect the sensitive ecological interests of International Wildlife Protection Designations associated with the site and to the site ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

6. Prior to development commencing, details of an acoustically rated piling cushion ('dolly') for use between the hammer and tubular steel or pre-cast concrete piles in piling to provide noise attenuation shall be agreed with the Council in writing. The cushion ('dolly') shall be of a type and manufacture as to provide the acoustic performance (at least Rw 5-10dB) specified in the revised Noise Assessment by Hoare Lea dated 12th June 2019. The cushion shall be used in all on-site piling preparatory to all three Units in order to mitigate against displacement of SPA waterfowl (including the qualifying species gadwall) from the adjacent Orchard Pools and any adverse effect on the conservation objectives of the Severn Estuary European Site.

Reason

This is a prior to commencement condition to protect the sensitive ecological interests of International Wildlife Protection Designations associated with the site and to the site ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

7. Prior to development commencing, a phasing plan be drawn up and agreed with the Council in writing to ensure that the piling of foundations for Units 1 and 3 are carried out before that of Unit 2 to enable water birds associated with the adjacent Orchard Pools to habituate to sporadic noise events and changes in ambient noise levels to mitigate against displacement of SPA waterfowl (including the qualifying species gadwall) and thereby avoid any adverse effects on the conservation objectives of the Severn Estuary European Site.

Reason

This is a prior to commencement condition to protect the sensitive ecological interests of International Wildlife Protection Designations associated with the site and to the site ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South

Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

8. Prior to development commencing the development site shall be surveyed for the presence of badgers and a report provided to the LPA. For the avoidance of doubt the report shall include details of any works subject to the licensing provisions of the Protection of Badgers Act 1992. All works are to be carried out in accordance with said report.

Should 12 months or more elapse between the submission of the above survey and the commencement of development the survey shall be repeated and a report provided to the LPA. For the avoidance of doubt the report shall include details of any works subject to the licensing provisions of the Protection of Badgers Act 1992. All works are to be carried out in accordance with said report.

Reason

This is a pre-commencement condition due to the need to establish the presence of badgers on the site and to ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

9. All development shall comply with the Reasonable Avoidance Measures (RAMS) comprising Paragraph 5.8.7 of the revised Ecological Assessment dated June 2019 by the Ecology Practice to avoid harm to great crested newt (European Protected Species) and reptiles (slow-worms). All works are to be carried out in accordance with said strategy.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

10. All development shall comply with the provisions detailed in Section 5.7 of the revised Ecological Assessment dated June 2019 by the Ecology Practice to avoid harm to hedgehog during the clearance of vegetation on site. All works are to be carried out in accordance with said provisions.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

11. Prior to the first occupation of the development hereby approved, a scheme of new bird nesting boxes and (Schwegler) bat boxes be drawn up and agreed with the Local Planning Authority in writing. The scheme should include the type and location of all

boxes, to cover a variety of species of birds including starling, swift and house sparrow. All works are to be carried out in accordance with said scheme.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

12. Prior to development commencing, a Landscape and Ecological Management Plan be drawn up and agreed with the Local Planning Authority in writing. The Plan should accord with the agreed masterplan and mitigation and include details of the existing habitat to be safeguarded; any new habitat to be created; and its management. It should also include a programme of monitoring of all works for a period of 5 years (including waterfowl use of Orchard Pools). All works are to be carried out in accordance with said Plan.

Reason

This is a prior to commencement condition to protect the sensitive ecological interests of International Wildlife Protection Designations associated with the site and to ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

13. That prior to development commencing, a Construction Environment Management Plan be drawn up and agreed with the Local Planning Authority in writing. The Plan should detail how all semi-natural habitat (and protected/notable species) will be safeguarded from development during both construction and operational phases, including pollution incidents. All works are to be carried out in accordance with said Plan.

Reason

This is a prior to commencement condition to protect the sensitive ecological interests of International Wildlife Protection Designations associated with the site and to ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

14. Prior to the first occupation of the development hereby approved a travel plan for each element of the site shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

15. Within three months of the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (to be carried out within the first available planting season following completion if the building works and any plant failures to be replaced with the first five years with like for like species and specification), boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of local biodiversity, and to accord with Policy PSP19 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted) November 2017; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and, the National Planning Policy Framework.

16. Within 3 months of the commencement of the development hereby approved, a scheme indicating the upgrading of the footpath ORN56 adjacent to plot 8020 shall be submitted to and approved in writing by the LPA. The agreed scheme shall be implemented and retained for future use.

Reason:

To ensure an appropriate standard of route identified in the Public Footpath Diversion Order ORN56 and to comply with Policy PSP10 of the South Gloucestershire Policies Sites and Places Plan (Adopted) 2017.