



Appeal Decision

Hearing held on 2 November 2022

Site visit made on 3 November 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2023

Appeal Ref: APP/P0119/W/22/3302609

Plot 9000, Land off Western Approach Distribution Park, Severn Beach, South Gloucestershire BS35 4GG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Forenza (Western Approach) Ltd against the decision of South Gloucestershire Council.
 - The application Ref P21/01998/O, dated 19 March 2021, was refused by notice dated 22 February 2022.
 - The development proposed is 'Outline application (including means of access with all other matters reserved) for the redevelopment of the site to deliver flexible industrial (Class B2) and warehousing/distribution (Class B8) floorspace and other associated development, car and cycle parking and site wide landscaping.'
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site to deliver flexible industrial (Class B2) and warehousing/distribution (Class B8) floorspace and other associated development, car and cycle parking and site wide landscaping, at Plot 9000, Land off Western Approach Distribution Park, Severn Beach, South Gloucestershire BS35 4GG, in accordance with the terms of the application, Ref P21/01998/O, dated 19 March 2021, subject to the attached schedule of conditions.

Procedural Matters

2. The Procedural Guide Planning Appeals – England states that *only the person who made the planning application can make an appeal*. The appeal was lodged by Mr Neil Curtis c/o Icen Projects but he subsequently provided clarification he is the owner of Forenza (Western Approach) Ltd. That company name of which has since changed to Forenza Industrial Limited, under the same company registration number. Nevertheless, the appeal must continue in the original name of the applicant, and I have considered the appeal on this basis.
3. I have omitted superfluous information from the description of development set out above. The development proposed is therefore for 'redevelopment of the site to deliver flexible industrial (Class B2) and warehousing/distribution (Class B8) floorspace and other associated development, car and cycle parking and site wide landscaping.'
4. The planning application was submitted in outline with all matters reserved, except for access. I have had regard to the application drawings and documents in respect of the proposed access, but I have treated the other

elements shown as indicative when considering the likely impact of the proposal on the matters set out in the main issues below.

5. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') transpose the Habitats Directive and the Birds Directive into English law. The aim of the Directives is to conserve key habitats and species across the European Union by creating and maintaining a network of sites known as the Natura 2000 network. They require competent authorities before granting consent for a plan or project, to carry out an appropriate assessment in circumstances where the plan or project is likely to have a significant effect on a European site, alone or in-combination with other plans or projects.
6. The Council's Officer Reports identify that it carried out its own assessment in this regard but my determination of the appeal means I also have to undertake the same statutory duty. I have therefore dealt with this matter as a main issue and engaged with the main parties, as well as Natural England (NE) and Natural Resources Wales (NRW), accordingly as part of the appeal proceedings.

Main Issues

7. At the Hearing, the Council confirmed receipt of a Section 106 Legal Agreement (S106), which meant it could remove its objections in the second and third reasons for refusal listed on the Decision Notice. I refer to these matters in the third main issue. The main issues are therefore:
 - Whether the appeal site would be a suitable location for the proposal having regard to the Council's Strategy for Development and its effect on the character of the countryside and the setting of the settlement of Severn Beach;
 - the effect of the proposal on the integrity of the features of national and European nature conservation sites situated north of the site, within the Severn Estuary; and
 - the benefits of the scheme, including contributions toward infrastructure.

Reasons

Location of the Proposal and Character and Setting

8. The appeal site is situated north of existing buildings at Severnside, which is defined in Figure 13A supporting Policy CS35 of the South Gloucestershire Local Plan: Core Strategy¹ (CS). At the Hearing, the appellants accepted the site lies outside of this designated area and the settlement of Severn Beach. Severnside is formed by a variety of buildings, but is not categorised as a settlement by the development plan and the evidence before me does not convince me that it shares the same characteristics as traditional settlements such as Severn Beach, where people live. While the proposal would extend Severnside to its north, it would be situated in the open countryside, where development is strictly controlled, and it is not promoted by Neighbourhood Planning initiatives or as a rural housing exception site.
9. The site is situated within the Pilney Levels landscape character area of the *South Gloucestershire Landscape Character Assessment* (LCA). This explains that it is an area of landscape contrast, with the central and northern areas

¹ Adopted December 2013.

typified by the relationship between the historic pattern and use of land and relationship with settlements within the area. However, the southwest is influenced by the presence of the various industrial and warehouse buildings and other commercial operations and infrastructure, including the Western Approach Distribution Park (WADP).

10. The LCA also states Severn Beach is very prominent in views from within the character area and that adjoining. Moreover, as I observed at the time of my visit, there is very little vegetation at its south and eastern edges, close to the A403, to assist in the transition of the village into the open and undeveloped fields surrounding it. It is therefore generally exposed in the views available from the A403 and the footway adjacent to it.
11. At the Hearing, the main parties agreed the appeal site shares some characteristics with the open and undeveloped fields surrounding Severn Beach, which contribute to its rural setting. Nevertheless, it is not well-related to Severn Beach, as it is separated from it by the A403 and mature planting. The planting is typical of the character area and contributes to the enclosure, in whole or part, of views from the north toward the WADP, including from Severn Beach. Moreover, while the upper extremities of the Oxford Instruments building, south of the site, are apparent across the site from certain vantage points, there is generally limited intervisibility between.
12. The ability to traverse the site, using the right of way through it, and around it on other routes, enables the scrub and grassland within and the planting to its perimeter and eastern side to be appreciated in the wider context of the wooded area further north. Nevertheless, the site is not significant in its own right and only makes a modest contribution to the setting of the settlement, as an open and undeveloped parcel of land between. While the LCA acknowledges the landscape structure and areas of habitat created through the WADP have improved opportunities for walking and horse riding, the site does not serve any other recreational function. The harm caused by its loss would therefore be limited in respect of the setting of Severn Beach.
13. Development within the site would clearly be evident in close proximity from the surrounding rights of way and from internal roads serving other uses within the WADP. However, the mature woodland to the north and east would provide a sylvan backdrop to buildings within the site that would soften their presence in views from the south and west. This aligns with the general approach to development outlined in the LCA, which accepts that buildings accommodated within the existing landscape framework would result in less physical disturbance to the structure of the landscape. Similarly, in the views available from the north, the evidence before me suggests the indicative scale of the proposed buildings would be seen against the backdrop of the Oxford Instruments building. The existing and proposed indicative landscaping would therefore help to absorb buildings within the site.
14. While the presence of built form within the site would alter it from an open and undeveloped part of the landscape, given the above factors this would not be harmful. Furthermore, unlike the later phases of the 1957/8 permissions for Severnside, the proposal would deliver landscaping to bolster the perimeter planting to the site, which would follow a ten-year management plan.
15. Since those permissions there have been subsequent controls on where development could be permitted, partly in order to provide the landscape

framework and habitat creation referred to above. The masterplan principles guiding the approach to development in Severnside have therefore evolved, including the Oxford Instruments building situated within an original buffer. At the Hearing, the main parties could not therefore agree on how wedded development should be to the most up-to-date masterplan principles.

16. While planning conditions imposed on permissions and legal agreements accompanying them may have ensured some protection for the site from development subsequently considered in accordance with those permissions, they are no supplement for development plan allocations. Moreover, the site lies outside of the designated area of Severnside. Even if it is situated within successive masterplans as land not earmarked for development and a buffer between Severnside and Severn Beach, the potential effect of the proposal on the landscape character of the area is a separate matter, which I have considered on its own merits having regard to the evidence before me.
17. The previous masterplans for Severnside, while setting the direction of travel for development, therefore only have a limited bearing on my consideration of this effect. Similarly, I have had regard to the pre-application responses provided by the Council, including how its policies should be applied but I have arrived at a different conclusion, particularly with regard to the relationship of the site with Severn Beach.
18. The proposal would not conflict with CS Policy CS12, as it does not constitute a non-employment use within a safeguarded area for economic development. Given its closer association with Severnside and separation from Severn Beach, the proposal would also maintain the settlement of the latter, as defined in the development plan. It would also not have a harmful effect on the character of the countryside or setting of Severn Beach. Hence, the proposal would accord with such aims as expressed in PSP2 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan² (PSPP) and CS Policy CS34(5).
19. Despite this, I conclude that the appeal site would not be a suitable location for the proposal, as it would undermine the Council's Strategy for Development, which outlines the approach to locating development in South Gloucestershire. Hence, the proposal would conflict with the aims of CS Policies CS5 and CS35.

National and European Nature Conservation Sites

20. The appeal site is around 500m from the Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site and Site of Special Scientific Interest (SSSI). While the SSSI is not a European designated site, it forms a contingent part of the SPA, SAC and Ramsar site, so is referred to for completeness. The subject site is adjacent to Orchard Pools, which are known to be functionally linked land supporting a small population of Gadwall.
21. The qualifying features of the SPA are support for internationally important bird species over winter, including Bewick's Swan, Dunlin, Gadwall, Greater White-Fronted Goose, Common Redshank and Common Shelduck; as well as waterbird assemblages over winter.
22. Some of the qualifying features of the SAC and Ramsar overlap, principally estuaries, mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows, and sandbanks which are slightly covered by sea water all the

² Adopted November 2017.

time. Moreover, the estuary has the second highest tidal range in the world and consists of an extensive intertidal zone comprising intertidal mudflats and sandflats, sand banks, saltmarsh and meadows, shingle, reefs, and rocky platforms. The SAC also qualifies given the presence of reefs and Sea Lamprey, River Lamprey and Twaite Shad.

23. The Ramsar site is also designated because it has unusual estuarine communities, reduced diversity and high productivity; is important for the run of migratory fish between sea and river via estuary (including Allis Shad, Eel, Salmon, Sea Trout, Sea and River Lamprey and Twaite Shad, as at the SAC). It is also of international importance for wintering bird species, such as Tundra Swan and the majority of the internationally important species captured under the SPA designation above; migratory birds during spring and autumn; and supports winter waterfowl assemblages of international importance.
24. The Ramsar site also supports nationally important species, including Herring Gull during the breeding season; Little Egret, Ruff, Whimbrel, Eurasian Curlew, and Common Greenshank, during spring and autumn; and Eurasian Wigeon, Northern Shoveler, Common Pochard, Water Rail, and Spotted Redshank, during winter; and nationally scarce invertebrates, including Lagoon Sand Shrimps and Sea Slugs, and Corophium Lacustre.
25. The European Site Objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure it contributes to achieving the aims of the Wild Birds Directive by maintaining or restoring the extent, distribution, structure and function of the habitats of the qualifying features; the supporting processes on which these rely; population of each of the qualifying features; and their distribution within the site.
26. The European Site Objectives for the SAC are generally identical to those listed for the SPA but they relate to achieving the Favourable Conservation Status of its Qualifying Features.
27. The SSSI is of international importance for wintering and passage wading birds including internally important Curlew; nationally significant for Ringed Plover and Grey Plover; and other important species not already mentioned above that occur there are Common Snipe, Knot and Turnstone.
28. Many of the species are affected by the impacts of development, changes in land management and water pollution. Moreover, in the absence of any mitigation, the proposed development of the site could lead to disturbance of Gadwall within the SPA and Ramsar site, and at Orchard Pools, through site clearance and construction works, principally in respect of visual, noise and light disturbances. Similarly, noise and lighting from the operational phase could also lead to disturbance of Gadwall, particularly at Orchard Pools.
29. There could also be harm to the conservation objectives of the Severn Estuary SPA, SAC and Ramsar site, due to harmful effects to the water quality within these sites, which are hydrologically connected to the site by drainage ditches. Moreover, without mitigation, ingress to the water environment of debris and pollutants during the construction phase of development (primarily through accidental chemical spills, contaminated surface water run-off and the improper storage of environmentally harmful materials) and surface water run-off and foul water effluent through the operational phase, could be harmful.

30. When following a precautionary approach, the proposal would be likely to have a significant adverse effect on the protected areas given these considerations. I am therefore required to undertake an 'Appropriate Assessment' of the effects of the development on the identified European sites.
31. The appellants propose that a Construction Environmental Management Plan (CEMP), a Landscape and Ecological Management Plan (LEMP), an Operational Lighting Strategy and a Drainage Strategy are all agreed for the proposed development of the site and that these should be reassessed if there are any material changes. As the competent authority I have consulted NE and NRW as the appropriate nature conservation bodies, as the sites straddle the border with Wales. They have confirmed that these avoidance and mitigation measures are appropriate to avoid an adverse effect, all of which can be secured through planning conditions. For example, the LEMP would include long-term management of retained and created habitat and proposals for monitoring success of the management.
32. With these points in mind, I am satisfied that there would be sufficient procedures in place to secure appropriate avoidance and mitigation and ensure that it would be provided in a timely manner.
33. I therefore conclude that the proposal, in combination with other projects and plans, would not result in the likelihood of any adverse effects upon the integrity of European sites protected under the Habitats Regulations; or the features for which the SSSI has been designated. For this reason, it would accord with the habitats and species protection criteria set out in PSPP Policies PSP18 and PSP19 and the Wildlife and Countryside Act 1981³.

Benefits of the Scheme

Whether Other Suitable Sites are Available for the Proposal (Site Selection)

34. The general picture in the *South Gloucestershire Employment Land Review Core Report*⁴ (ELR) is that the level of supply of industrial space in Severnside is rapidly declining, as occupiers are predominantly seeking large-scale sites for distribution. Land is also unlikely to come forward in the timescales needed to meet market requirements. It recommends identifying additional industrial supply in accessible locations and discusses expansion of Severnside and the picture for South Gloucestershire is of a shortfall of supply, when replacement demand is factored in.
35. The ELR therefore corroborates the evidence contained in the *West of England Employment Land Spatial Needs Assessment*⁵ (ELSNA), principally in respect of 'growing demand from major and smaller occupiers for freehold space which the market is not currently fully meeting' (p.52) and the lack of availability of 'medium and smaller sites in accessible areas, with limited availability of modern premises to meet current demand' (p.10). Although the gap in the market may be more acute in other areas than in Severnside and extend across South Gloucestershire, this does not diminish the importance of the under provision within that particular submarket area.

³ As amended by the Countryside and Rights of Way Act 2000.

⁴ Dated January 2022.

⁵ Produced by Atkins (dated June 2021, published January 2022).

36. The Council's site selection considers some units of a similar size, but they are not commensurate with the appellants proposal and it is intended that larger units would be brought forward on the majority of sites identified. They would therefore be greater than the size of the proposed separate units and targeted at a different market sector. Sites of similar size not already acquired are limited and predominantly leasehold and likely to be acquired or occupied before the appeal scheme is delivered. Furthermore, most sites at Severnside, that have not already been brought forward, are not available due to a covenant and the ELR envisages development being held back until after 2027. These would not meet the need of the appellants, as the proposal is likely to come forward prior to then.
37. The alternative sites I have been referred to in South Gloucestershire, including at Horizon 38, Filton Airfield, Concorde Carpark, Patchway Trading Estate, and several locations in Yate, are set within different submarket areas that do not have the same accessibility to the strategic road network offered by Severnside. Moreover, CS Policy CS5 expects Severnside to be a strategic location for a range of employment uses. Some of these sites would also be expected to be delivered before the appellants' proposal, so are unlikely to be available for this reason; or suitable based on their tenure, redevelopment required due to their age, quality or size, or the absence of infrastructure.
38. The evidence before me clearly demonstrates there is a shortage of medium and smaller sites within the submarket area of Severnside, particularly those available on a freehold basis. There are also no expectations within the policies of the development plan, including CS Policies CS5, CS12 or CS35 for land to be considered at other safeguarded employment sites. On this basis, I afford considerable weight to the proposal, as it would assist in meeting a proven need that could be delivered, with greater certainty, prior to the release of land restricted by legal covenants. Furthermore, it is likely that land would be focussed toward larger units within other market sectors.
39. While the emerging Neighbourhood Plan for the Parish of Pilning and Severn Beach could address need for the area in future, there is no evidence that it is at an advanced stage, and I have not been pointed to any policies or allocations. I have therefore afforded very limited weight to this notion.

Other Benefits Secured by the Legal Agreement

40. The S106 submitted with the appeal includes contributions toward the provision of a bus shelter in Govier Way, which includes for the physical shelter, works to provide access from it to buses and associated infrastructure. This would help to improve the facilities for existing users of public transport and potentially for future employees of any buildings within the development. Despite the frequency and reach of bus services, alongside cycleways and rail connections from Severn Beach the upgrading of facilities would ensure that there are alternatives available to private vehicle transport, which should be encouraged. I therefore afford this social and environmental benefit moderate weight.
41. The S106 would also include a Traffic Regulation Order Contribution for waiting restrictions on Western Approach surrounding the access to the appeal site and a parallel crossing on the shared walk/cycleway. As these would only mitigate against the impact of the proposal they would be afforded negligible weight.

42. The proposal would result in a Biodiversity Net Gain by virtue of the mitigation proposed to be provided off-site. The financial cost to the appellants has been derived from the Defra Metric 2, with multiples of £20,000 to re-provide units on another site, totalling £45,600 secured by the S106. At the Hearing, the main parties confirmed that there is no specific land or scheme currently designated, but the contribution would be added to other funds in the future. Other mitigation on site would be secured through planning conditions and the Council confirmed that the proposal would still be acceptable in this regard, even if the off-site scheme did not go ahead in future. I accept that this is a common approach and would amount to environmental benefits of the proposal of moderate weight.
43. I am satisfied that the provisions outlined in the S106 are supported by national and local planning policies and they meet all the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and Framework paragraph 57. The obligations are directly related to the development because they would provide investment in infrastructure and habitat creation and mitigation that would be impacted by additional development and they are reasonable in scale and kind to the proposal.

Additional Benefits

44. The construction phase of development is expected to result in an uplift of around £6.5 million in Gross Value Added (GVA) to the South Gloucestershire economy, with over one hundred direct jobs and around a further third as many jobs in indirect or induced jobs. There could also be an annual uplift from the operational phase of development of around £9.5m in GVA, with a similar number of full-time jobs possible and two thirds as many in linked jobs, and sizable revenue for the Council through business rates. Even though the end user and ultimate job numbers are uncertain, I am mindful that the Framework affords significant weight to the need to support economic growth and productivity. This proposal could therefore make important contributions in respect of the above in both social and economic terms.
45. The appellant's Sustainable Energy Statement sets out indicative measures designed to achieve at least a ten percent reduction in CO₂ emissions in relation to the baseline required by Part L of the Building Regulations and this could be updated further through the submission of Reserved Matters. Given the magnitude of the proposed development, the approach to reduce energy consumption would amount to an environmental benefit of moderate weight.

Other Matters

Implications to Neighbouring Operators

46. At the Hearing, representatives of Oxford Instruments identified concerns from noise and vibration associated with construction and operational phases of development within the site to the sensitive working environments created within its building. Moreover, mitigation in its building does not address impacts from the direction of the appeal site, as it is beyond Severnside.
47. The appellants' Acoustic Note refers to the effect of HGV movements associated with the appeal site. However, at the Hearing, they accepted it does not assess the potential worst-case scenario of impacts from uses within proposed buildings at the site on operations of Oxford Instruments. Despite the distance

between the site and neighbouring buildings and the presence of soft and planted ground and a rhine, it would be reasonable to take a precautionary approach to such matters, in the context of paragraph 186 of the Framework. Moreover, it would be realistic for the appellants to be expected to provide mitigation during the construction and operational phases of development.

48. I have been provided with suggested conditions, which would address noise and vibration, dust and particulates and planting to the south side of the site. As landscaping would be a consideration of reserved matters, I believe there would be sufficient controls in place to ensure planting would create a visually acceptable environment around new buildings. However, the remaining conditions would be reasonable and related to the proposed development and would protect the adjacent sensitive commercial use and also safeguard the living conditions of occupiers of residential properties situated nearby.

Flood Risk

49. Following some discussion at the Hearing, the Council decided to withdraw the concerns it identified in its Statement of Case regarding the Sequential Test required in respect of flood risk. In any event, for reasons similar to my findings above regarding the site selection process, there would be no compelling reason for me to disagree with the findings in the Officer Reports or the pre-application advice provided to the appellants regarding such matters.

Public Right of Way (PROW)

50. The Council's Statement of Case raises the PROW through the site as being impacted upon by the proposal, but this does not form part of the reasons for refusal. While the nature of the route is likely to alter from an informal way through the site to formal provision more akin to the surfaced bridleway, this is not a fixed element of the appeal scheme and the Council's PROW officer is satisfied an alternative route can be provided. There is no substantive evidence before me to suggest otherwise, so the recreational route offered by the PROW would continue to be offered.

Planning Balance

51. The proposal would not compromise Severnside as a safeguarded employment site referred to in CS Policy CS12, nor would it harm the character of the countryside or setting of Severn Beach, so it would accord with CS Policy CS34(5) and PSPP Policy PSP2. With mitigation, there would also not be likely to be adverse effects upon the integrity of European sites or the features for which the SSSI was designated, in compliance with PSPP Policies PSP18 and PSP19. The appeal scheme also includes considerable and significant benefits regarding provision of the proposed units and its impact on the economy, as well as a range of other benefits of moderate weight, some of which lead to further compliance with the development plan.
52. In terms of harm, the location of the proposed development would not comply with CS Policies CS5 and CS35 and the Council's Strategy for Development. These policies do not necessarily restrict development of employment uses within Severnside but the nature of the planning permissions in place and presence of covenants on development coming forward result in demand likely being limited to larger units beyond 2027.

53. The approach in Policy CS5 to strictly control development in the countryside is not wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework. However, it does not fundamentally undermine the continued relevance of boundaries to allocations, as there is still a clear rationale for these to focus growth within designated areas. I have therefore regarded the underlying objectives of the policy, as being generally consistent with the Framework.
54. Nonetheless, Policies CS5 and CS35 do not recognise or provide any flexibility for other land closely associated with the allocation to be brought forward where it meets an identified need and accords with the development plan overall, which only unnecessarily constrains development that is otherwise acceptable. For these reasons and based on the evidence before me, I am only able to afford conflict of the proposal with these policies moderate weight.
55. Despite the proposal according with several policies of the development plan, the conflict with its Strategy for Development renders it contrary to the development plan, when considered as a whole. Nevertheless, there is an absence of suitable sites in Severnside to serve the proposal and the benefits associated with it would cumulatively be of such significance that they indicate that the proposal should be determined other than in accordance with the development plan. This would therefore justify the grant of planning permission and lead to sustainable development.

Conditions

56. I have considered the list of conditions provided by the main parties and, where appropriate, amended the wording to maintain consistent phrasing for the timing of the conditions and, for clarity, merged those notes included for avoidance of doubt into the conditions. I have also removed tailpieces to conditions that circumvent the statutory route to vary conditions or deprive interested parties of the opportunity to comment.
57. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. It is necessary to require compliance with the submitted plans, but only in relation to the access as this is not a reserved matter. I have therefore omitted the separate condition referring to plans relevant to the other indicative details.
58. Conditions are necessary to ensure the details submitted for reserved matters follow the evidence base submitted for the appeal, particularly in respect of the scale of proposed buildings in response to the surrounding landscape and the scheme of landscaping. Further such conditions are included regarding public art; energy performance; and cycle and car parking, to ensure they are satisfactorily planned and incorporated within the proposal from the outset.
59. Pre-commencement conditions are also necessary to secure details of control of pollution during construction; contaminated land mitigation as a result of potential risk from carbon dioxide, its verification and measures to deal with unexpected contamination; a highways construction management plan; a Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP); archaeological works; noise and vibration during construction and operation phases of the development; and tree protection and an arboricultural method statement. These are all necessary to

protect against any associated risks to, amongst other things, existing site features and habitats and future users of the site and surroundings uses.

60. Further details of the proposed parallel crossing are necessary prior to works commencing on the access to ensure it prioritises pedestrians and cyclists. Prior to occupation of the proposal, it is necessary for the approved access works; and electric vehicle recharging points and a working travel plan to be provided to enable safe and sustainable access to the site. A dust management plan is also required at this stage to protect disturbance of neighbouring uses.
61. Finally, a condition controlling compliance with the proposed flood risk mitigation and drainage strategy is necessary in the interests of safety of the users of the proposed development and neighbouring occupiers.

Conclusion

62. The proposed development would be contrary to the development plan, when considered as a whole. However, there are other material considerations that indicate that the proposed development should be determined other than in accordance with the development plan. Accordingly, for the reasons given, I conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stephanie Hall	Barrister
Mairead Flower	Associate, Planning, Icen Projects
Ian Mayhead	Director (Planning), Icen Projects
Nick Ireland	Director (Economics Team), Icen Projects
Silke Gruner	Director (Landscape), Icen Projects
Alan Curtis	Appellant
Neil Curtis	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Helen Ainslee	Principal Planner
Martin Farmer	Economic Development

OTHER INTERESTED PARTIES:

Richard Brown	CBRE (on behalf of Oxford Instruments)
Adam Jaufurally	Oxford Instruments

Jonathan Edward

Clerk to Pilning and Severn Beach Parish Council

Peter Tyzack

Chair of Pilning and Severn Beach Parish Council

DOCUMENTS SUBMITTED AT OR FOLLOWING THE HEARING:

- Extract from the CS Policy Map showing Severn Beach settlement boundary.
- Document containing planning conditions recommended by representatives of Oxford Instruments.
- Statement made by Chair of Pilning and Severn Beach Parish Council at the Hearing, which was forwarded afterwards.
- Final list of agreed planning conditions and comments on those suggested by Oxford Instruments.
- An engrossed S106 Legal Agreement.

SCHEDULE OF CONDITIONS

- 1) Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) Application for the approval of the reserved matters shall be in accordance with the scale parameters described in the design and access statement hereby approved and Drawing No.19010 P0001 Rev H.
- 5) The reserved matters details referred to in condition 1 (with respect to landscaping) shall include but not be limited to a 1:200 detailed planting plan with landscape specification notes. All works will then be carried out in accordance with the approved details.
- 6) The reserved matters details referred to in condition 1 shall include full details for a unique site specific integrated public art scheme including but not limited to detailed designs, timescales and triggers. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note.
- 7) The reserved matters details referred to in condition 1 shall include a Revised Energy Statement which shall include the following details:
 - Improved performance on the U value of windows and in fabric efficiency over that shown in the initial report;

- To show that refrigeration is provided to the lowest global warming potential;
 - To show that the roofs of the two units are designed to enable the installation of roof mounted solar panels;
 - To show the use of passive measures to ensure that the building is not subject to overheating; and
 - To show the provision of 20% of spaces having EVC points with a minimum power output of 7kw.
- 8) The reserved matters details referred to in Condition 1 shall include car and cycle parking details to be implemented prior to the first occupation of the development hereby approved, and maintained satisfactorily thereafter.
- 9) No development approved by this permission shall be commenced until a scheme for prevention of pollution during the construction phase has been approved by the Local Planning Authority. The scheme should include details of the following:
- Site security;
 - Fuel oil storage, bunding, delivery and use;
 - How both minor and major spillage will be dealt with;
 - Containment of silt/soil contaminated run-off;
 - Disposal of contaminated drainage, including water pumped from excavations.
 - Site induction for workforce highlighting pollution prevention and awareness. Invitation for tenders for sub-contracted works must include a requirement for details of how the above will be implemented.

The development shall be implemented in accordance with the approved details

- 10) A) No development approved by this permission shall be commenced until a remediation strategy for potential risk from ground gas (carbon dioxide), identified in the submitted Bradbrook Consulting Geo-environmental Investigation, has been submitted for approval by the local planning authority. The report shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed. The approved remediation scheme shall be carried out before the development (or relevant phase of development) is occupied.

B) Prior to first occupation, a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the local planning authority.

C) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

- 11) No development approved by this permission shall be commenced until, a full Construction Management Plan (Highways) has been submitted and approved in writing by the local planning authority. The construction management plan shall cover the following highways and transportation matters:
- a) In the interests of highway safety, full details of the regime to be implemented to access the site during construction particularly for large construction related vehicles;
 - b) The intended access route, the proposed construction period, its hours of operation, the number of vehicles (delivery and workers transport) associated with this process, the measures to be implemented to ensure that mud is not carried onto the adjoining road network (wheel washing facilities), provision for on-site worker parking and any other information which will help to ensure road safety is maintained for all users;
 - c) If access by large indivisible units is required, this should include computer track plotting to ensure that this is possible;
 - d) A highway condition survey (including photographs) of the adjoining road network (area to be agreed). Pursuant with Section 59 of the 1980 Highway Act, South Gloucestershire Council will wish to recover the cost of any damage caused to the highway by construction traffic. To this end, on completion of the site's construction work, a second highway condition survey shall be submitted to and approved in writing by the Council. This will enable the extent of any repairs will be assessed at a meeting with the Developer on completion of the construction work.

The submitted Construction Traffic Management Plan must be implemented and adhered to throughout the construction phase of the development.

- 12) No development approved by this permission shall be commenced until a final Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) have been submitted to and approved in writing by the local planning authority. The CEMP shall include the following measures:
- Details of materials and working methodology for the proposed rhine extension works to ensure adverse impacts on the existing rhine and connected watercourses are avoided;
 - Details of protective fencing/barriers installed prior to construction to demarcate works areas and to safeguard sensitive ecological features to be retained, such woodland and trees around the site peripheries, which provide a 'buffer' between the site and surrounding areas;

- Any pre-construction checks required before the commencement of the construction phases (i.e. for nesting birds);
- Relevant pollution prevention guidelines and working practices to be adopted to prevent silt and contamination entering watercourses or waterbodies in the form of a Drainage Strategy as part of CEMP;
- Adherence to best practice guidelines to minimise noise disturbance, suppress dust and limit disturbance to retained areas of habitat;
- Outline of construction phase lighting measures to minimise light spill on sensitive habitat areas;
- An Operational Lighting Strategy should be produced as part of CEMP and implemented. This should detail the specification and location of lighting, selected to minimise illumination of adjacent habitats (including the waterbodies to the west of the site); and
- Contractors to be given toolbox talks prior to work commencing on site.

The LEMP shall be based on the Framework Ecological Mitigation Strategy (FEMS, Report RT-MME-152659-11 Rev A) and the Shadow HRA recommendations included above (both prepared by Middlemarch Environmental Ltd) (September 2021) detailing:

- how all retained and created habitats, including those providing a vegetated buffer along the western site boundary, will be managed in the long-term; and
- proposals for monitoring, to allow the success of management to be assessed and to inform requirements for any changes in management practices.

The development shall only take place in accordance with the approved details.

- 13) No development approved by this permission shall be commenced until a programme of archaeological investigation and recording for the site shall be submitted to and approved by the local planning authority. The investigation shall include borehole sampling and a watching brief of construction activity. Thereafter, the approved programme shall be implemented in all respects.
- 14) No development approved by this permission shall be commenced until a noise and vibration plan, which shall set out noise and vibration thresholds in line with industry standards associated with industrial / warehouse / distributions uses, to be adhered to at all times during the construction and operation of the development together with measures to reduce noise and vibration levels should these thresholds be exceeded by the development, shall be submitted to and approved in writing by the local planning authority. Before submission of the Plan, monitoring of baseline noise and vibration levels for up to 7 days, at locations to be agreed with the local planning authority shall be carried out and a monitoring report submitted to the local planning authority within 21 days of the completion of the monitoring.

- 15) No development approved by this permission shall be commenced until a Tree Protection Plan and Arboricultural method statement in accordance with BS:5837:2012 has been submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.
- 16) Prior to the commencement of works on the site access road full details of a formalised "parallel crossing" to encourage the priority for pedestrians and cyclists using NCN4 shall be submitted to and approved in writing by the local planning authority. The details shall include the design and implementation works. The crossing shall be installed prior to the first use of the access road.
- 17) Prior to the first occupation/use of the proposed development, a Dust Management Plan, which shall set out measures to control dust and particulates generated by on-site activities during the operation of the development, shall be submitted to and approved in writing by the local planning authority. The Dust Management Plan shall be adhered to at all times thereafter.
- 18) Prior to the first occupation/use of the proposed development, a scheme for the provision of Electric Vehicle Charging Points shall be submitted to, and approved in writing by, the local planning authority, and implemented and maintained satisfactorily thereafter. The scheme shall include a minimum of 20 percent of the total car parking spaces to be provided with active charging points of 7Kw / 32Amp adjacent to the proposed car parking spaces, with ducting infrastructure provided to enable the remaining car parking area to be converted to provide charging points without the need to break ground to lay cable in the future.
- 19) Prior to the first occupation/use of the proposed development, the new site access road and junction; bus stop hardstanding; and pedestrian footway links shown in principle on Drawing DWG/3268/001 Revision D, and subject to amendment to enable the Parallel Crossing for NCN4, shall be constructed to the Council's standards of construction detail.
- 20) Prior to the first occupation/use of the proposed development, a working Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be based on the Framework Travel Plan and include but not necessarily be limited to the following information:
- Base travel mode surveys for staff and customers;
 - Targets for shift to sustainable modes;
 - Measures and incentives for travelling sustainably, such as cycle parking, cycle purchase schemes and shower facilities;
 - Managing, monitoring and reporting arrangements;
 - Remedial measures should targets not be achieved.
- The approved travel plan shall be implemented thereafter.
- 21) The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy Issue V4 dated May

2021 by Bradbrook Consultancy and the mitigation measures it details. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing / phasing arrangements. The mitigation measures shall be retained and maintained thereafter throughout the lifetime of the development.

END OF SCHEDULE