

Extension: Revised expiry date	15 January 2021
'Hold Date'	

Bristol City Council Development Management

Delegated Report and Decision

Application No: 20/04182/F **Registered:** 2 November 2020
Type of Application: Full Planning **Expiry Date:** 28 December 2020
Case Officer: [REDACTED]

Site Address:

Redland Filling
Station
Hampton Road
Bristol
BS6 6JA

Description of Development:

Installation of vehicle charging points and associated enclosures and electrical infrastructure.

Ward: Clifton Down

Site Visit Date:

Date Photos Taken:

Consultation Expiry Dates:

Advert 9 Dec 2020
and/or Site 9 Dec 2020
Notice:

Neighbour: 10 Dec 2020

SITE DESCRIPTION

The site is located on Hampton Road in the Clifton Down Ward of Bristol. The site comprises of a four-pump vehicle filling station which benefits from a single storey sales/retail unit and hot food takeaway, car parking area and associated infrastructure such as canopy and vent stack pipe. The site is accessed from Hampton Road.

The application site is located within The Whiteladies Road Conservation Area and is adjacent to the Cotham and Redland Road Conservation Area. Kingdom Hall is to the south east of the site and is a locally listed building. There are no other Listed Buildings in the surrounding area. There are no TPO protected trees on or around the site. The surrounding area is predominantly residential.

PLANNING HISTORY

The site has the following planning history:

- o 88/00584/F | Provision for new canopy | GRANTED (9 May 1988)
- o 88/02724/F | Extend shop to provide new pump house and new car wash | REFUSED (19

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Redland Filling Station Hampton Road Bristol BS6 6JA

September 1988)

- o 95/00085/F | Refurbishment of existing petrol filling station with new car jet wash facility | REFUSED (11 April 1997)
- o 96/00877/F | Proposed car sales (5 No) from forecourt | REFUSED (11 April 1997)
- o 01/00690/F | Demolition of existing sales building, remove 4 No pump islands (retaining half canopy and 2 no. pump islands). Erection of new sales building, retain underground storage tanks, forecourt resurfacing and refurbishment works | GRANTED (13 July 2001)
- o 02/01991/F | Removal of section of front boundary wall to widen the access way to the site | GRANTED (26 July 2002)
- o 05/03620/F | Installation of jet wash facility within a steel framed glass canopy, relocation of trash area and landscaping | REFUSED (22 May 2006)
- o 06/00703/F | Installation of a replacement ATM cashpoint machine | GRANTED (5 April 2006)
- o 09/04786/A | 2 No internally illuminated free standing single sided display units | GRANTED (25 January 2010)
- o 16/00989/F | External refurbishment of forecourt shop | WITHDRAWN (12 May 2016)
- o 17/06608/F | New shop front and ATM relocated | GRANTED (2 February 2018)

APPLICATION

The application seeks planning permission for the installation of three vehicle charging points and associated enclosures and electrical infrastructure.

The proposal has been revised following concerns in relation to advice from technical consultees and case officer feedback. For the purpose of this report, the revised scheme shall be assessed.

The proposal would involve the removal of the existing seven parking spaces and installation of three charging points, substations and replacement bin storage area. As part of the proposal, a tank is to be decommissioned and vent stack to be removed and replaced.

RESPONSE TO PUBLICITY AND CONSULTATION

A) NEIGHBOUR CONSULTATION

Neighbouring properties have been notified in relation to the proposed development of the site.

Four responses were received of which three objected to the proposal and one supported.

The three letters of objections are summarised below:

- o Concerns over noise from equipment and substation
- o Lack of detail in submitted documents
- o Hours of operation of charging points
- o Height of canopy
- o Would prefer car free zones, free public transport, car limits to address pollution
- o Concerns if no access to car, driveway, fuel poverty in Bristol
- o Greater support of households during a green transition
- o Production of EV has a high carbon footprint and use of precious metals

The letter of support is summarised below:

- o Pleases to have EV chargers

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Redland Filling Station Hampton Road Bristol BS6 6JA

- o Encourages and supports electric vehicles
- o Reducing local pollution

Planning matters in relation to the design, neighbour amenity and sustainability will be dealt with later in this report and other matters are deemed as not relevant to this application or civil issues and are therefore not a planning consideration.

B) BRISTOL CITY COUNCIL'S TRANSPORT DEVELOPMENT MANAGEMENT TEAM

Bristol City Council's Transport Development Management Team were consulted on the proposed plans. They had the following comments:

- o They welcomed in the inclusion of EV charging in this location
- o They were satisfied with the circulation space to allow vehicles to enter and exit spaces
- o They recommend increasing the length of spaces to 5m to prevent damage to equipment
- o They noted the reduction in waste storage and stated that the applicant must ensure no bins are left on the highway or in circulation areas.

The agent increased the length of spaces to 5m in response to this comment.

C) BRISTOL CITY COUNCIL'S LAND CONTAMINATION TEAM

Bristol City Council's Land Contamination Team including the Petroleum and Permit Officers were consulted on the proposed plans. They had the following comments:

- o In principal we have no objection to the proposal but need some further information and clarification about the proposed scheme
- o One tank is earmarked for decommission, The LPA will need confirmation of how the applicants intend to do this which will impact contamination conditions
- o Loss of 7 spaces, concern regarding unofficial parking. Can a barrier be placed in front of DCD and vent pipes to prevent this?

In response, the agent amended the plans and provided further information. The Land Contamination Team had the following comments:

- o Following submission of the revised plan 13664-P02-144 and further details regarding decommissioning of the tanks we have no objection to the proposed development
- o Given the site's use we do recommend a unexpected contamination condition is applied, so that in the event contamination is encountered during the works it will be dealt with at the time.

D) BRISTOL CITY COUNCIL'S POLLUTION CONTROL TEAM

Bristol City Council's Pollution Control Team were consulted on the proposed plans. They had the following comments:

- o This use is likely to be acceptable here and will not cause harm to nearby residents
- o There is a lack of information regarding noise from EV charging points and substation
- o Concerns regarding noise and electromagnetic radiation could be overcome with additional information which could be conditioned.
- o As no further information has been provided two conditions to cover noise pollution should be attached.

E) BRISTOL CITY COUNCIL'S CITY DESIGN TEAM

DEVELOPMENT CONTROL () DELEGATED
Redland Filling Station Hampton Road Bristol BS6 6JA

Bristol City Council's City Design Team were consulted on the proposed plans. They had the following comments:

- o They raised concerns with design and justification for canopy as it would appear prominent and incongruous with surrounding area.
- o Little attention to the conservation area's special character
- o No mitigation provided for the proposal.

In response, the agent removed the canopy from the plans and introduced green infrastructure around the charging points. The revised design was reviewed by the City Design Team and no objections were raised.

F) NETWORK RAIL

Network Rail were consulted on the proposed plans. They had the following comment:

- o Network Rail have no objections in principle to the above application.

RELEVANT POLICIES

Cotham and Redland Conservation Area Character Appraisal
 PAN 2 Conservation Area Enhancement Statements (November 1993)

Planning (Listed Buildings & Conservation Areas) Act 1990

National Planning Policy Framework – February 2019
 Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocations and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2016 and Lawrence Weston Neighbourhood Development Plan 2017 and the Hengrove and Whitchurch Park Neighbourhood Development Plan 2019.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

ASSESSMENT

A) WOULD THE DESIGN, LAYOUT AND SCALE BE ACCEPTABLE AND WOULD IT PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THE WHITELADIES ROAD CONSERVATION AREA AND ADJACENT COTHAM AND REDLAND CONSERVATION AREA?

The Authority is required under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving or enhancing the character or appearance of the area.

Policy BCS21 (Quality Urban Design) states that development should be of a high quality design and respect the local area.

Policy BCS22 (Conservation and the Historic Environment) states that development proposals should safeguard or enhance heritage assets and the character and setting of areas of acknowledged importance including: Scheduled ancient monuments; Historic buildings both nationally and locally listed; Historic parks and gardens both nationally and locally listed; Conservation areas; and

DEVELOPMENT CONTROL () DELEGATED
Redland Filling Station Hampton Road Bristol BS6 6JA

Archaeological remains.

Policy DM26 (Local Character and Distinctiveness) states that development should respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings, building lines and set-backs from the street, skylines and roofscapes. Development should also respect, build upon or restore the local pattern and grain of development.

Policy DM27 (Layout and Form) aims to ensure development contributes to the successful arrangement and form of buildings, structures and spaces and contribute to the creation of quality urban design and healthy, safe and sustainable places.

Policy DM30 (Alterations to Existing Buildings) sets out that new development will be expected to respect the siting, scale, form, proportions, materials, details and the overall design and character of the host building, its curtilage and the broader street scene.

Policy DM31 (Heritage Assets) sets out that development will be expected to conserve and where appropriate enhance heritage assets and/or its setting. These include schedule monuments, archaeological sites, listed buildings, conservation areas, historic parks and gardens and locally important assets.

The proposed development would involve the removal of parking spaces and installation of electric charging points and associated infrastructure. These works, within an established filling station are considered to be acceptable in this location. The works are considered to respect the character and appearance of the site and surrounding conservation areas. The proposed substations and replacement bin storage area whilst not entirely respectful of the conservation area would be screened by 2.4m high timber fencing. This fencing is similar to the existing boundary treatment is considered to be in-keeping with the existing materials on the site. The proposed new vent stack is considered to be acceptable would be a like-for-like replacement of the existing vent stack. The proposed relocation of the DCD cabinet and Calor Gas cabinet and are both considered acceptable.

The proposed electric charging points are considered to be respectful of the site and wider conservation area. The charging points would be positioned in front of the existing 2m high boundary fence and green infrastructure would be incorporated to soften the boundary fence and improve the visual appearance of the charging points. The green infrastructure would be up to 1.2m in height and would include Beech Hedging and Grass. The removal of adverts in this area would also improve the appearance of the charging points and removal clutter along the boundary fence. The design and appearance has also been reviewed by the City Design Team. Therefore, the proposal is considered to be acceptable.

The proposed advertisement has not been assessed as part of this application and is subject to an Advertisement Consent application which will assess the proposal with regard to visual amenity and public safety.

In summary, the proposal complies with the Local Development Plan and policies such as BCS21, BCS22, DM26, DM27, DM30 and DM31 meaning the design, layout and form is acceptable.

B) WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO THE RESIDENTIAL AMENITY OF ADJACENT OCCUPIERS?

Section 12 (Achieving Well-Designed Places), Paragraph 127 of the NPPF outlines that planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users.

DEVELOPMENT CONTROL () DELEGATED
Redland Filling Station Hampton Road Bristol BS6 6JA

Policy BCS21 (Quality Urban Design) states that new development should safeguard the amenity of existing development.

Policy BCS23 (Pollution) of the Core Strategy outlines that development should be sited and designed in a way as to avoid adversely impacting upon environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land. Further to this, in locating and designing development, account should also be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution.

Policy DM27 (Layout and Form) states the layout and form of development should enable existing and proposed development to achieve appropriate levels of privacy, outlook and daylight.

Policy DM35 (Noise Mitigation) outlines that development which would have an unacceptable impact on environmental amenity or biodiversity by reason of noise will be expected to provide an appropriate scheme of mitigation.

The proposed development is not considered to harm the amenity of neighbouring properties with regard to overbearing, overshadowing or overlooking impacts. The proposed development would be screened by the boundary treatments which either do not change as part of this application or are proposed to increase by approximately 400mm. This height increase is considered to be acceptable and would not cause any further harm to neighbouring properties with regard to overbearing or overshadowing impacts. The proposal is also considered to be sited sufficient distance from neighbouring properties as to not be overbearing or overshadowing. The proposed vent stack would be a like-for-like replacement and would not therefore lead to any further harm to neighbouring properties. The proposal is not considered to impact overlooking or loss of privacy at neighbouring properties.

The proposal would include electrical substation, LV panel, power packs and charging points within close proximity to neighbouring properties especially those at Melville Court, Hampton Road. The proximity of neighbouring properties raised concerns regarding noise pollution and electromagnetic radiation to these properties. Whilst electric charging points and substation would not cause any significant noise, they can give rise to low-level frequency noise. As part of the application, limited information was provided to overcome these concerns however it was considered that the proposal would be acceptable in principle in this location but further information was required by the Pollution Control Team to make an informed comment. No further information was provided to overcome these concerns however the Pollution Control team raised no objection to the principle of development subject to conditions relating to noise from plant and equipment being attached to the decision. It is therefore considered necessary to attach these conditions to address these concerns.

In light of the above, the proposal is considered to be acceptable in its context and is not considered to have a significantly harmful impact upon neighbour amenity subject to conditions. The application complies with Policies BCS21, BCS23 and DM35.

C) WOULD THE PROPOSED DEVELOPMENT CAUSE ANY UNACCEPTABLE HARM TO PARKING PROVISION, HIGHWAY SAFETY AND WASTE AND RECYCLING?

Policy BCS10 (Transport and Access Improvements) states that development should be designed to ensure streets where traffic and other activities are, are integrated and should be designed to ensure the provision of safe streets.

Policy DM 23 (Transport Development Management) outlines that development should not give rise to

DEVELOPMENT CONTROL () DELEGATED
Redland Filling Station Hampton Road Bristol BS6 6JA

unacceptable traffic conditions and would be expected to provide safe and adequate access onto the highway. It also states that parking must be safe, secure, accessible and usable.

Appendix 2 of the Site Allocations and Development Management Policies Document sets out the off street parking arrangements should provide a minimum area of 2.4 metres width and 4.8 metres depth as to reduce encroachment upon the highway/footway. Additional space may also be required in some circumstances for clearance from structures i.e. walls, fences.

Policy BSC15 (Sustainable Design and Construction) outlines that all new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Major developments should include communal facilities for waste collection and recycling where appropriate.

Policy DM32 (Recycling and Refuse in New Development) states all new development all new development will be expected to provide, as a minimum recycling facilities and refuse bins of sufficient capacity to serve the proposed development.

The proposed development would involve the replacement of seven parking spaces and existing bin storage area with three electric charging spaces and replacement bin storage area. The proposed parking spaces would measure 5m in length and 3m in width which would comply with Appendix 2 of the SADMP document and would ensure that vehicles would not encroach outside of the space and obstruct the filling station forecourt. Whilst there is a net reduction in parking spaces, this is considered to be acceptable in this location and other spaces remain within the filling station such as alongside filling pumps and outside of the filling station on Hampton Road. The proposal would introduce electric charging points into this area which is considered to be a positive addition and would help promote more sustainable modes of travel. Access to the proposed spaces is considered acceptable as there is sufficient circulation space to allow vehicles to enter and exit without obstructing other moving vehicles. Is it therefore considered that the proposed development would be acceptable and would not cause any harm to parking provision and highway safety.

The proposal would include a replacement bin storage area and whilst there is a reduction in the size of the waste storage area. The space is considered to be sufficient in size for the site. TDM raised concerns that waste could be left within circulation areas or on the highway and it is considered necessary to attach a condition which means that these areas shall be kept free of obstructions. Therefore, the proposal is considered to be acceptable.

The proposed development is considered to be acceptable in terms of parking provision and highway safety and therefore compliant with BCS10 and DM23. The proposal is also deemed to comply with waste and recycling policies BCS15 and DM32.

D) WOULD THE PROPOSED DEVELOPMENT IMPACT SUSTAINABILITY AND CLIMATE CHANGE?

Policy BCS13 (Climate Change) sets out that development should contribute to mitigating and adapting to climate change, and to meet targets to reduce CO₂ emissions.

Policy BCS14 (Sustainable Energy) sets out that development in Bristol should include measures to reduce carbon dioxide emissions from energy use by minimising energy requirements, incorporating renewable energy sources and low-energy carbon sources. Development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from residual energy use in the buildings by at least 20%.

Policy BCS15 (Sustainable Design and Construction) sets out that sustainable design and

DEVELOPMENT CONTROL () DELEGATED
Redland Filling Station Hampton Road Bristol BS6 6JA

construction should be integral to new development in Bristol. Consideration of energy efficiency, recycling, flood adaption, material consumption and biodiversity should be included as part of a sustainability or energy statement.

Policy BCS15 (Sustainable Design and Construction) aims to ensure that development proposals are designed and constructed to minimise their environmental impact.

The proposed development would introduce electric vehicle charging points within this site for the use of surrounding residents and/or visitors. This would be to enable those with electric vehicles to charge their vehicles. Electric vehicles are considered to be a much more sustainable mode of transport when compared to petrol and diesel vehicles and a barrier to the uptake and use of electric vehicles is the lack of easily available charging points. The proposal is considered to help address the lack of charging points within this area of the city and promote the use of electric vehicles. This would help to reduce carbon emissions within the city and promote cleaner air. The proposed development is considered to comply with sustainability and climate change policies and would promote more sustainable travel in Bristol.

The proposal is considered to be acceptable and comply with policies BCS13, BCS14 and BCS15.

E) WOULD THE PROPOSED DEVELOPMENT IMPACT LAND CONTAMINATION?

Policy BCS23 (Pollution) states that development should be sited and designed in a way as to avoid adversely impacting upon environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land, water pollution, or creating exposure to contaminated land. Further to this, in locating and designing development, account should also be taken of the impact of existing sources of noise or other pollution on the new development and the impact of the new development on the viability of existing uses by reason of its sensitivity to noise or other pollution.

Policy DM34 (Contaminated Land) states that new development should demonstrate that: any existing contamination of the land will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and the proposed development will not cause the land to become contaminated, to the detriment of future use.

The site is currently a filling station which raises land contamination concerns and the proposal also intends to decommission an existing tank. The proposal was reviewed the Land Contamination Team and further information was submitted to the LPA to outline the decommissioning of the tank. The Land Contamination Team raised no concerns with the proposed development. The development must ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and it is deemed necessary to attach an unexpected contamination condition to ensure that in the event contamination is encountered during the works it will be dealt with at the time. The proposal is not considered to lead to the land becoming contaminated and there is no risk of contamination within the site or surrounding area.

In light of the above, the proposal is considered to comply with policies BCS23 and DM34.

CONCLUSION

In conclusion it is considered that the proposed development is of an appropriate design and scale to respect the application site and the character of the locality. The proposed development would not result in a detrimental impact to the residential amenity of neighbouring properties and the proposal is

DEVELOPMENT CONTROL () DELEGATED
Redland Filling Station Hampton Road Bristol BS6 6JA

not considered to impact parking provision and highway safety. The proposal would also comply with local plan policies relating to waste, sustainability, climate change and contamination. The proposal would introduce electric charging points to this area thereby addressing the shortfall and promoting lower carbon travel in Bristol.

The application is therefore recommended for approval, subject to conditions.

COMMUNITY INFRASTRUCTURE LEVY

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL.

This application falls into one of these categories and therefore no CIL is payable.

EQUALITIES ASSESSMENT

During the determination of this application due regard has been given to the impact of this scheme in relation to the Equalities Act 2010 in terms of its impact upon key equalities protected characteristics. These characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. There is no indication or evidence (including from consultation with relevant groups) that different groups have or would have different needs, experiences, issues and priorities in relation this particular proposed development. Overall, it is considered that this application would not have any significant adverse impact upon different groups or implications for the Equalities Act 2010.

RECOMMENDED GRANTED subject to condition(s)

Time limit for commencement of development

1. Full Planning Permission

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre commencement condition(s)

2. Noise from plant & equipment

No development/commencement of use shall take place until an assessment to show that the rating level of any plant & equipment, as part of this development, will be at least 5 dB below the background level has been submitted to and approved in writing by the Council.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

DEVELOPMENT CONTROL () DELEGATED
Redland Filling Station Hampton Road Bristol BS6 6JA

Pre occupation condition(s)

3. Implementation/Installation of Refuse Storage and Recycling Facilities – Shown on Approved Plans

No building or use hereby permitted shall be occupied or use commenced until the refuse store and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the adopted highway (including the footway), except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises; protect the general environment; prevent any obstruction to pedestrian movement and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

4. Completion and Maintenance of Vehicular Servicing facilities - Shown on approved plans

No use hereby permitted shall be commenced until the facilities for vehicular charging, circulation and manoeuvring have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and available for these uses.

Reason: To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

Post occupation management

5. Noise from plant & equipment

The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background level as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound.

6. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the Environment Agency's 'Land Contamination: risk management' guidance and BS 10175:2011 + A2:2017: Investigation of Potentially Contaminated Sites - Code of Practice. Where remediation is necessary a remediation scheme must be prepared which ensures the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

DEVELOPMENT CONTROL () DELEGATED
Redland Filling Station Hampton Road Bristol BS6 6JA

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This is in line with paragraph 170 of the National Planning Policy Framework.

7. External Works to Match

All new external work and finishes and work of making good shall match existing original work adjacent in respect of materials used, detailed execution and finished appearance except where indicated otherwise on the approved drawings.

Reason: In the interests of visual amenity and the character of the area.

8. Landscape (planting) works - shown

The planting proposals hereby approved shown on Drawing No. 13664-P04-144 B shall be carried out no later than during the first planting season following the date when the development hereby permitted is ready for use or in accordance with a programme agreed in writing with the council. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory.

List of approved plans

9. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

Heritage statement, received 2 November 2020
 13664-BP-144 Block plan, received 2 November 2020
 13664-P01-144 Existing site layout, received 2 December 2020
 13664-P02-144 C Proposed site layout, received 6 January 2021
 13664-P03-144 Existing site elevations, received 2 November 2020
 13664-P04-144 B Proposed site elevations, received 6 January 2021
 13664-P06-144 A Substation elevations, received 5 January 2021
 13664-P07-144 LV enclosure elevations, received 2 November 2020
 13664-LP-144 Site location plan, received 2 November 2020

Reason: For the avoidance of doubt.

Advices

- 1 You are advised that the planting season is normally November to February.

Case Officer: [REDACTED]

Authorisation: [REDACTED]

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