

**Committee date** 09/07/2024

**Application No:** 49/23/00003

**Application Type:** Full Planning Permission

**Case Officer:** Amelia Elvé

**Registered Date:** 25/04/2023

**Expiry Date:** 24/07/2023

**Parish:** Weare

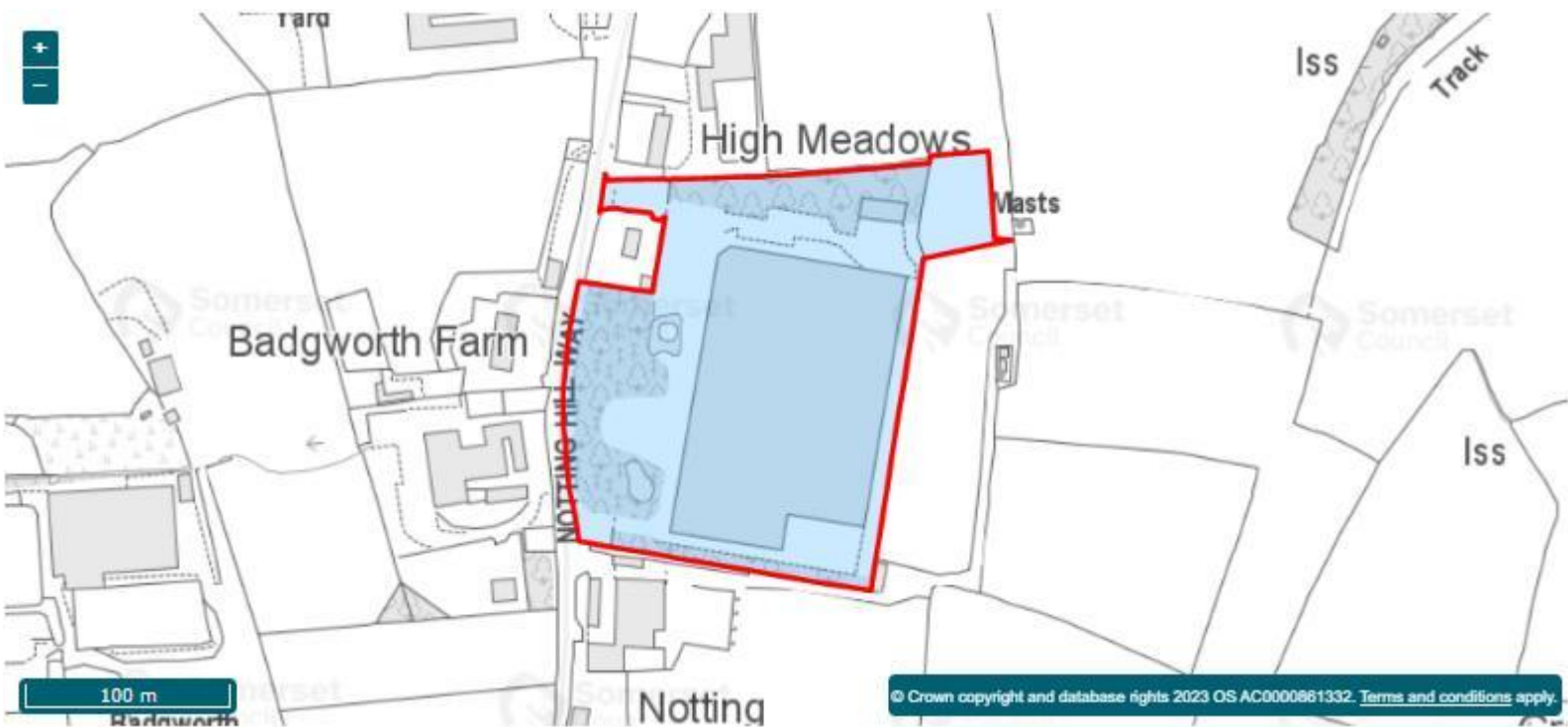
**Division:** Axevale

**Proposal:** Creation of new access, alterations to existing access, creation of parking area, works to existing canteen building to include installation of cladding to all elevations, installation of covered decking to South elevation, installation of external stair case to North elevation and a flue to the roof and works to workshop building to include placement of PV panels to roof and minor alterations to the existing building.

**Site Location:** Warehouse and Premises, Notting Hill Way, Weare, Axbridge, Somerset, BS26 2JU

**Applicant:** Smithbrewer Limited

**\*\* THIS APPLICATION IS CODED AS A MAJOR APPLICATION \*\***



## **Committee decision required because**

This application is referred to the area committee as it is a major development and the comments from the Parish Council are contrary to the recommendation.

## **Background**

The application site accommodates an existing warehouse building that measures approx. 12,650sqm, with a smaller storage building located to the north that measures approx. 235sqm.

The application seeks consent for the re-opening of an historic vehicular access, alterations to the existing access and the creation of a parking areas to the west, north and north east of the building.

The scheme also includes the installation of insulated cladding to the buildings, a covered decking to the South elevation, external staircase to the north elevation, a flue and solar panels.

The application is partially retrospective, with the following works already have been undertaken:

- Trees by the entrance way and the access to be re-opened, felled as detailed in the submitted report
- Pond and external drainage completed
- Partial installation of cladding to the canteen building and installation of retaining blocks
- Commencement of works to the external ground levels to the north and east of the site.
- Ground works behind the canteen a detailed in the landscaping drawings
- Creation of a drive way ramp to the car park
- Removal of some hedging

## **Relevant History**

**49/81/00014** - Construction of canopy over warehouse goods entrance - **Granted**

**49/83/00006** - Erection of replacement loading dock enclosure - **Granted**

**49/85/00016** - Change of use of part of site from warehousing to industrial and extension of staff car park - **Granted**

**49/86/00004** - Alterations to former food depot building to facilitate the provision of ancillary offices - **Granted**

**49/86/00005** - Extension to existing building for manufacturing use, associated office and carparking, formation of new and alterations to existing vehicular access - **Granted**

**49/94/00002** - Change of use of building from general industrial (B2) to storage and distribution - **Granted**

**49/97/00019** - Erection of a two storey industrial building - **Granted**

**49/18/00027** - Change of use of upper warehouse from Use Class B9 (warehouse and distribution) to Use Class B2 (general industrial) - **Granted**

**Supporting information supplied by the applicant**

Location Plan Drg No. 50601-49 Rev. A  
Existing Site Plan Drg No. 50601-50 Rev. A  
Existing & Proposed Elevations & Roof Plans Drg No. 50601-53 Rev. D (Canteen)  
Existing & Proposed Floor Plans & Elevations Drg No. 50601-54 Rev. C (Main Building)  
Existing & Proposed Part Plan Drg No. 50601-55 Rev. B (Main Building)  
Proposed Site Plan Drg No. 50601-51 Rev. B  
Existing Roof Plan Drg No. 50601-56 Rev. B (Main Building) Sheet 1 of 4  
Existing Roof Plan Drg No. 50601-57 Rev. B (Main Building) Sheet 2 of 4  
Existing Roof Plan Drg No. 50601-58 Rev. B (Main Building) Sheet 3 of 4  
Existing Roof Plan Drg No. 50601-59 Rev. B (Main Building) Sheet 4 of 4  
Proposed Roof Plan Drg No. 50601-60 Rev. B (Main Building) Sheet 1 of 4  
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Proposed Roof Plan Drg No. 50601-62 Rev. B (Main Building) Sheet 3 of 4  
Proposed Roof Plan Drg No. 50601-63 Rev. B (Main Building) Sheet 4 of 4  
Proposed Disabled Parking Layout Plan Drg No. 50601-64 Rev. B  
Entrance Gates Drg No. 50601-52 Rev. B  
Flood Risk Map Drg No. 50601-65 Rev. B  
Surface Water Exceedance Route Drg No. PN0067-PEL-XX-XX-DR-Y-0003  
Existing Landscape (Sheet 1 of 9) Drg No. 50601-80 Rev B  
Existing Landscape (Sheet 2 of 9) Drg No. 50601-81 Rev B  
Existing Landscape (Sheet 3 of 9) Drg No. 50601-82 Rev B  
Existing Landscape (Sheet 4 of 9) Drg No. 50601-83 Rev B  
Existing Landscape (Sheet 5 of 9) Drg No. 50601-84 Rev B  
Existing Landscape (Sheet 6 of 9) Drg No. 50601-85 Rev A  
Existing Landscape (Sheet 7 of 9) Drg No. 50601-86 Rev B  
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Proposed Landscaping Drg No. 50601-90 Rev B  
Proposed Landscaping Drg No. 50601-91 Rev C  
Proposed Landscaping Drg No. 50601-92 Rev C  
Proposed Landscaping Drg No. 50601-93 Rev B  
Proposed Landscaping Drg No. 50601-94 Rev B  
Proposed Landscaping Drg No. 50601-95 Rev B  
Proposed Landscaping Drg No. 50601-96 Rev B  
Proposed Landscaping Drg No. 50601-97 Rev B  
Proposed Landscaping Drg No. 50601-98 Rev B

## **Consultation Responses**

### **Weare Parish Council – Object**

(04/06/2023) – *The current traffic volumes are a major issue for the village and is the most concerning issue of residents. Whilst this has been a gradually increasing problem over several years this application will significantly increase the volumes of traffic and must be a serious consideration of Highways/Planning. The main points are:*

- *School Congestion. This has progressively worsened over the years and the increased traffic associated with this application will only create more hazardous conditions around school drop off/pick up times.*
- *The blind spot for traffic exiting East End has been seen to caused traffic to divert rapidly onto the pavement to avoid an articulated lorry. This is also close to where parents with toddlers walking to the school cross the road.*
- *Increase in traffic backing up to access the A38.*

*It is of concern that when a previous planning application for an expansion of relatively smaller business units that the Highways Objects were not accepted by the planners (49/10/00009 dated 30 June 2010 extract: The proposed extension to the existing buildings would have the effect of attracting employees who would arrive by car from a distant location. The application is therefore recommended for refusal).*

*The volume and size of the traffic has been incrementally increased through planning decisions that do not conduct analysis of the continued suitability of the road conditions.*

*As a business trading nationally, is it environmentally defensible to move from a purpose built motorway adjacent industrial estate to a rural, lane access position, travelling past a First School and residential housing, some 5 miles away from the nearest motorway connection.*

(31/10/2023) – *My Councillors have requested that the Planning committee formally consider this planning application.*

### **Badgworth Parish Council – Support**

(09/06/2023) – *Badgworth Parish Council supports this application however:*

*Badgworth Parish Council is concerned that Notting Hill Way is already very congested, particularly at peak times such as school pick up and drop off, with the queuing to access the A38.*

*There is concern that any intensification of traffic on the road will increase congestion, which will drive traffic to seek alternative routes to the A38 such as the narrow roads through Badgworth village.*

### **SW Heritage – No comment**

*There are limited or no archaeological implications to this proposal.*

**Landscape Officer** – *Comment recommending conditions in respect of a landscaping plan and planting scheme.*

### **Environment Agency – Comment**

*We note the existing development utilises a non-mains drainage solution. We further note the*

*number of employees is likely to increase significantly as a result of works on site. This may require additional foul drainage capacity.*

**Environmental Health** – No comment/observation

**LLFA** – Recommendation of compliance condition

**Highways** – No objection and recommendation of conditions to secure details regarding the re-opened access, Travel Plan compliance and road Condition Survey

**Ecology** – Comment recommending conditions in respect of a CEMP (Biodiversity), LEAMMP and an external lighting design.

**Natural England** – No objection

**Rights of Way** – Comment

*No objection, however the applicants will need to contact Chris East from Rights of Way Team when setting out the proposed boundaries.*

*From the amended landscaping plans, the width of the footpath AX 26/6 between the two hedges to the east of the car park is acceptable as it is now depicted at around 2m wide.*

### **Representations**

41 letters of objection, from 35 addresses, raising the following planning considerations:

- Traffic generation from the development and the resultant risk to road users due to lack of pavement and proximity to the school.
- The increase of vehicular movements to the site would increase congestion which is already an issue
- Environmental and ecological impacts
- Impacts to the adjacent public right of way
- Light and noise pollution
- Impact on amenities of neighbouring residents due to increase of traffic
- Rural location and lack of pavement, cycling route and public transport would result in a reliance on private motor vehicles for most journeys
- Unsuitable rural location for an industrial development

1 comment from 1 address raising the following points:

- Suggestion of negotiations between the school and management of the site to arrange large vehicle trips to take place outside of peak times

## **Most Relevant Policies**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

### National Planning Policy Framework July 2021

Section 6 – Building a strong, competitive economy

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

### Sedgemoor Local Plan (2011-2032)

CO1: Countryside

D1: Flood Risk and Surface Water Management

D2: Promoting High Quality and Inclusive Design

D14: Managing the Transport Impacts of Development

D15: Economic Prosperity

D19: Landscape

D20: Biodiversity & Geodiversity

D23: Bat Consultation Zone

D25: Protecting Residential Amenity

D26: Historic Environment

## **Main Issues**

### Principle of Development

The application site lies outside of any Settlement Boundary, and as set out in policy CO1, development in such locations must have a specific locational justification.

Policy D15 of the Local Plan sets out to retain and enhance local employment opportunities and the

retention, remodelling or appropriate expansion of existing businesses will be supported where it remains of an appropriate scale and character.

The development relates to the remodelling of an existing warehouse, including the provision of a larger carpark and the alterations are sought to allow for the business to expand and to remain in the local area. The development that is sought is considered to be of an acceptable size and scale that is proportionate to the need and the constraints of the site and would be utilised for purposes that fall within the existing consented B2 use.

It is therefore considered that in this respect, the principle of the development is compliant with policies CO1 and D15 of the Local Plan.

### Visual Amenity

Policy D2 seeks to achieve high quality, sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area and be of a design solution that makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between the building.

Policy D19 of the Local Plan seeks to ensure that development enhances the landscape quality and that there is no significant adverse impact on local landscape character.

The application includes the provision of a landscaping scheme that is considered to be satisfactory, and a condition will be imposed to secure this. The proposed landscaping is considered to provide adequate screening to protect the rural character of the surrounding area.

In respect of the physical alterations to the building, alterations to the existing access, opening up of the access to the north and the creation of the car park, these are considered to be of an acceptable scale that are not disproportionate for the site and would not encroach into the countryside.

It is therefore considered that in this respect, the application is compliant with policies D2 and D19 of the Local Plan.

## Residential Amenity

Policy D2 states that development should 'respect the amenity value of the occupiers of nearby buildings or the wider area' and new development should deliver buildings that are "enjoyable to use". This is further supported by Policy D25 which states that 'Particular consideration will be given to the extent that the proposal could result in unacceptable impacts'. This includes consideration of loss of privacy, overlooking, visual dominance, loss of light, noise/disturbance, odour, fumes, vibration and living conditions of future occupants.

Residential properties are located to the north, west and south of the site, with the closest (*Betula View*) located adjacent to the access that is to be re-opened.

The application site has been in industrial use for a number of years and the application does not seek to introduce a different use of the building. Environmental Health have been consulted on the application and have raised no concerns. The external works to the building are of a degree that are not considered to result in a detrimental impact on the amenities of nearby residents in respect of overshadowing, overlooking or overdominance.

In respect of the re-opening of the access to the north, it is noted that this is in close proximity to a residential property. Given that the building is staffed from 8am-5.30pm, it is considered that the use of the access would be generally limited to 'office hours' and would therefore not result in an unacceptable impact on the amenities of the adjacent resident.

It is therefore considered that for these reasons, the application is compliant with policies D2 and D25 of the Local Plan.

## Ecological Issues

Policy D20 of the Local Plan seeks for development to contribute to maintaining and where appropriate enhancing biodiversity and geodiversity. The application site lies within a Bat



Consultation Zone and policy D23 of the Local Plan seeks to secure relevant mitigation measures that could protect relevant species from the impacts of development.

The ecologist has reviewed the submitted ecology reports and has recommended conditions to ensure adequate mitigation and biodiversity enhancement measures are secured prior to the commencement of any further works at the site. It is therefore considered that in this respect, the application is compliant with policies D20 and D23 of the Local Plan.

### Surface Water Management

Policy D1 of the Local Plan seeks to ensure that the surface water run off generated from development is adequately assessed and does not result in a detrimental impact on the wider area and existing water courses.

The LLFA have reviewed the submitted documents and have recommended that a compliance condition is used to ensure that the works take place in accordance with the details submitted. As such, in this respect, the application is compliant with policy D1 of the Local Plan.

### Highways Safety & Public Rights of Way

Policy D14 of the Local Plan states that managing the transport impacts is essential for creating sustainable communities. The policy sets out that development proposals should seek to manage the transport impacts of development.

The application site is currently served by an existing vehicular access, with a historic vehicular access located towards the north. Following consent in 1994 (consenting a change of use from B8 to B2), this access was stopped up, however there are no planning conditions that secured this. The development proposed seeks to re-open this access to be used for entrance only for vehicles that weigh less than 3.5tonnes. The rationale for this is to prevent traffic backing up onto the highway by allowing inbound light vehicles to enter the site separately from HGV's that would be manoeuvring.

The Highways Authority have reviewed the application and raise no objection, with the

recommendation of conditions to secure a Road Condition Survey, CMP, details of the proposed access re-opening and compliance with the submitted Travel Plan and retention of the parking and turning to be clear of obstruction.

A public right of way runs along the northern boundary of the site. The RoW Officer has reviewed the application and has raised no objection and has advised that the applicant contacts the RoW team when setting the boundaries for the site.

It is therefore considered that in this respect, the application is compliant with policy D14 of the Local Plan.

#### Historic Environment

Policy D26 sets out that development should avoid harm to, sustain and, where appropriate enhance the significance of heritage assets and their setting, in a manner consistent with their historical significance.

SW Heritage have reviewed the application and have raised no objection. It is therefore considered that in this respect, the application complies with policy D26 of the Local Plan.

#### Conclusion

It is considered that the development is acceptable in respect of potential impact on visual amenity, residential amenity, highways safety, historic environment, surface water management and ecology. As such, the application is compliant with CO1, D1, D2, D14, D15, D19, D20, D23, D25 and D26 of the Sedgemoor Local Plan 2011-2032.

### **RECOMMENDATION**

#### **GRANT PERMISSION**

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The submitted and hereby approved landscaping scheme shall be implemented in the first planting season following the first use of the car park hereby appropriately until fully established. Any trees/shrubs that fail shall be replaced for a period of 5 years until they are full established. All existing trees and vegetation identified to be retained shall be protected by protective temporary fencing during the construction of the new access and car parking area. Vegetation/tree removal shall not take place during the bird nesting season to ensure compliance of the Wildlife & Countryside Act 1981: Part 1.

Reason: In the interest of visual amenity as in accordance with policies D2 and D19 of the Sedgemoor Local Plan 2011-2032.

- 3 The development shall be carried out in accordance with the surface water management details within the submitted and hereby approved "Drainage Strategy 11.09.2023 ref. PN0096-DS-02" and "Surface Water Exceedance Route Drg No. PN0067-PEL-XX-XX-DR-Y-0003" and maintained thereafter in perpetuity.

Reason: In the interest of surface water management as in accordance with policy D1 of the Sedgemoor Local Plan 2011-2032.

- 4 The Travel Plan recommendations within the submitted and hereby approved "Transport Statement, December 2022" shall be implemented in accordance with the timetable therein. Thereafter, the development shall operate the approved Travel Plan.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 5 Within 6 weeks of the date of this decision, a Condition Survey of the existing public highway will need to be carried out and agreed with the Highway Authority, and any damage to the highway occurring as a result of this development is to be remedied by the developer to the satisfaction of the Highway Authority, prior to the first use of the car park hereby approved.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 6 Within 6 weeks of the date of this decision, detailed plans shall be submitted to and approved by the Local Planning Authority relating to line, level and layout of the proposed access road junction works as shown generally in accordance with the submitted and hereby approved Drg Nos. 22073-SK01 & 22073-SK02 and its means of construction and surface water drainage. The

approved access road junction works shall be completed prior to first use of the access road that connects to the new access.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 7 Within 6 weeks of the date of this decision, a Construction Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall include construction vehicle movements, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 8 The areas allocated for parking and turning on the submitted and hereby approved "Proposed Site Plan Drg No. 50601-51 Rev. C" shall be kept clear of obstruction at all times and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interest of highways safety as in accordance with policy D14 of the Sedgemoor Local Plan 2011-2032.

- 9 The development hereby approved shall be carried out in accordance with the submitted and hereby approved "Construction Environmental Management Plan Version 2".

Reason: in the interest of biodiversity enhancement as in accordance with policy D20 of the Sedgemoor Local Plan 2011-2032.

- 10 The development hereby approved shall be carried out in accordance with the "Landscape, Ecology and Arboricultural Management and Monitoring Plan - April 2024 (Fenswood Ecology)"

Reason: In the interests of the 'Favourable Conservation Status' of populations of European and UK protected species, UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

11 Within 6 weeks of the date of this decision, a Biodiversity Enhancement, Mitigation and Compensation Plan shall be submitted to and be approved in writing by the Local Planning Authority. The plan will detail how the measures will be successfully implemented with the inclusion of a planting and works schedule and a colour plan that identifies the location of features to be installed. The measures shall be installed prior to the first use of the car park hereby approved, and shall include the following, unless otherwise agreed to by the Local Planning Authority, and maintained thereafter in perpetuity:

- a The existing waterbody to the west of the main building will be enhanced to deliver a pond for wildlife. The design must be suitable to support native aquatic species and shall include suitable substrate, depths, and marginal planting to encourage natural colonisation by wildlife. Stocking with aquatic vegetation and fauna should not be undertaken due to the risks associated with the introduction of invasive species, parasites and/or diseases.
- b Appropriate seed mixes will be sown consisting of native, species rich wildflower and grasses in all areas where establishment is likely to be successful. The species and origin selected should fit in with the surrounding habitat by selecting species that are suited to the prevailing soil type, location, and conditions (for example, Emorsgate Seeds have specific habitat-based mixtures and advice).
- c At least 84 trees will be planted that comprise mature native specimens. Species should be native broadleaved species with a mixture of fruit trees (cherry, plum, apple) and deciduous woodland species (i.e., hazel, oak, field maple, and beech).
- d At least 112m of species rich hedgerow will be provided. The new hedgerow will be planted with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. Hedgerows should be managed to promote a greater range of age classes and native species through appropriate planting and management of hedgerow species and understorey.
- e Nesting provisions for birds provided within retained mature trees on site which must include at least 3x open fronted, 3x 25mm hole and 2x 45mm hole type boxes. Under no circumstances should south or west elevations be used, and boxes aimed at different species should be spaced at least 2m apart. Woodcrete or WoodStone boxes should be used where possible due to increased durability and thermal stability.
- f Installation/construction of deadwood log refugia piles as a shelter for reptiles, invertebrates, amphibians and small mammals. Advice can be found here: [Log Piles for Wildlife | Garden Advice - The RSPB](#).

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

- 12 Prior to the installation of any external lighting, a lighting design for bats and other light sensitive species, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 4 and Step 5 of Guidance Note 08/23, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.2 lux on the horizontal plane, and at or below 0.4 lux on the vertical plane on the identified key & supporting horseshoe bat features and habitats, and no more than 0.5 lux on features and habitats potentially used by other species. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Sedgemoor District Council Local Plan: Policy D20 - Biodiversity and Geodiversity.

### **Schedule A**

Location Plan Drg No. 50601-49 Rev. A

Existing Site Plan Drg No. 50601-50 Rev. A

Existing & Proposed Elevations & Roof Plans Drg No. 50601-53 Rev. D (Canteen)

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Existing Roof Plan Drg No. 50601-58 Rev. B (Main Building) Sheet 3 of 4

Existing Roof Plan Drg No. 50601-59 Rev. B (Main Building) Sheet 4 of 4

Proposed Roof Plan Drg No. 50601-60 Rev. B (Main Building) Sheet 1 of 4

Proposed Roof Plan Drg No. 50601-61 Rev. B (Main Building) Sheet 2 of 4

Proposed Roof Plan Drg No. 50601-62 Rev. B (Main Building) Sheet 3 of 4

Proposed Roof Plan Drg No. 50601-63 Rev. B (Main Building) Sheet 4 of 4

Proposed Disabled Parking Layout Plan Drg No. 50601-64 Rev. B

Entrance Gates Drg No. 50601-52 Rev. B

Flood Risk Map Drg No. 50601-65 Rev. B  
Surface Water Exceedance Route Drg No. PN0067-PEL-XX-XX-DR-Y-0003  
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Proposed Landscaping Drg No. 50601-96 Rev B  
Proposed Landscaping Drg No. 50601-97 Rev B  
Proposed Landscaping Drg No. 50601-98 Rev B  
Proposed Bat Lighting Design Drg No. 50601-100 Rev C  
Proposed Bat Lighting Design Drg No. 50601-101 Rev C  
Proposed Bat Lighting Design Drg No. 50601-102 Rev C  
Proposed Bat Lighting Design Drg No. 50601-103 Rev C  
Proposed Bat Lighting Design Drg No. 50601-106 Rev C  
Proposed Bat Lighting Design Drg No. 50601-107 Rev C  
Proposed Bat Lighting Design Drg No. 50601-108 Rev C

DECISION

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