

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**26<sup>th</sup> September**

**OBSERVATIONS RECEIVED SINCE THE PREPARATION OF THE MAIN  
AGENDA**

**ITEM 10**

**ITEMS FOR PLANNING PERMISSION**

Item No.	Application No.	Address
05	12/02626/FUL	University of Bath University Of Bath Campus Claverton Down Bath BA2 7PB

Since the preparation of the Main Agenda Report, further comments and information have become available.

Highways Development Officer: The Highways team have been in discussions with the University's representatives, and Heads of Agreement have now been agreed in principle, with the University confirming that it intends to prepare a Draft S.106 Agreement based upon the agreed principles. The Highways Development Officer has confirmed that the Highways elements of the proposed Agreement will cover:

- (i) The preparation, agreement and on-going monitoring of a new Travel Plan to replace the existing document when it expires next year;
- (ii) An on-going commitment to support public transport serving the University;
- and
- (iii) Contributions towards improvement to the public footpath and other pedestrian facilities in the vicinity of the University.

Members are advised that subject to agreeing the details of the proposed Agreement on the basis of the above, there are no Highways objections to the current application. Details of any necessary Conditions will be agreed as part of this process.

Arboricultural and Landscape Officers: It has been agreed in writing by the University that the S.106 Agreement will also include arrangements for the submission and implementation of a strategic Tree and Landscape Management Plan for the campus. This approach has been welcomed by the Officers concerned, and details of these elements are now under discussion for inclusion in the proposed Agreement. Details of any necessary Conditions will be agreed as part of this process.

Ecological Officer: The Ecological Officer has confirmed that as this site has been cleared, there is unlikely to be any remaining on-site ecology of significance and that “the site has no potential to support European Protected Species.” Accordingly, there is no reason to assume that Natural England will raise any objections regarding the site’s relationship with the nearby Bath & Bradford on Avon Bats SAC.

However, further consideration should be given to ecological matters, and appropriate Conditions are recommended in order to secure a further site assessment and to address potential light disturbance to bats. Furthermore, discussions with the Ecological Officer and Natural England are continuing, and the University has now agreed in writing that the S.106 Agreement will also include arrangements for the submission and implementation of a strategic Ecology Management Plan for the campus. This approach has been welcomed by the Officers concerned, and details of this are now under discussion for inclusion in the proposed Agreement. Details of the necessary Conditions will be agreed as part of this process.

Other matters: The Applicant’s Agents have confirmed that site clearance works are well under way, as the University is aiming to have this building available for occupation at the beginning of the 2013/14 academic year, and a visual inspection last week confirms that there is almost certainly no on-site ecological interest. Because of the tight development timetable, the Agents have requested that a number of the proposed Conditions are slightly amended in order to provide greater flexibility in the timing of their discharge, and this has been agreed in principle by your Officers.

### Recommendation

In the light of the above, the Recommendation in the Main Agenda Report remains unchanged, but the recommended Conditions are now amended as set out below. Additional Conditions will be added as appropriate in the light of the on-going discussions detailed above.

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. Notwithstanding the information included with the submitted application, no above ground development shall commence until a final schedule of materials and finishes (supplemented by samples which shall be made available to the local planning authority on request), has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the appearance of the development and the surrounding area.

3. No above ground development shall commence until a sample panel of all external walling and visible surfacing materials to be used has been erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development is completed.

Reason: In the interests of the appearance of the development and the surrounding area.

4. No development shall take place within the site until the applicant, or their agents or successors in title, has implemented the programme of archaeological work in accordance with the submitted written scheme of investigation prepared by Wessex Archaeology (dated August 2012).

Reason: The site is within an area of significant archaeological interest and the Council will wish to examine and record items of interest discovered.

5. No development activity likely to affect trees or their roots shall commence until a provisional programme of tree works, including supervision and monitoring details, by an Arboricultural Consultant and incorporating the provision of site visit records has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the retained trees are protected from potentially damaging activities.

6. No development or other operations likely to affect trees or their roots shall take place until the protective measures as stated in the approved Arboricultural Method Statement provided within the Tree Report submitted with the application are implemented. No development or other operations shall take place except in complete accordance with the approved Arboricultural Method Statement unless first agreed in writing by the local planning authority.

Reason: To ensure that the approved method statement is complied with for the duration of the development.

7. No development or other operations likely to affect trees or their roots shall commence unless the local planning authority has been given two weeks' prior written notice of the fact that the tree protection measures as required are in place and available for inspection.

Reason: To ensure that the trees are protected from potentially damaging activities.

8. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

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

Reason: To ensure that the trees are protected from potentially damaging activities.

## INFORMATIVES:

1. This permission is accompanied by an agreement under Section 106 of the Town and Country Planning Act 1990.

2. PLANS LIST - This permission relates to the following Plans:

LP(90)001; LP(90)002; LP(90)003; LP(90)004; LP(90)005; P(0)100; P(0)101; P(0)103; P(0)104; P(0)105; P(0)106; P(0)107; P(0)108; P(0)109; P(0)110; P(0)115; P(0)116; P(0)117; P(0)120; P(0)121; P(0)122; P(0)123; and P(0)124 (all received on 18th June 2012); 6186/051/P4 (received on 4th July 2012); and 002/P1 (received on 5th July 2012).

### 3. REASONS FOR GRANTING PLANNING PERMISSION

The proposed development is in accordance with the policies set out in the National Planning Policy Framework published in 2012.

The proposed development is supported by an updated Master Plan as required in Policy GDS.1 (B11) of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007. The Development is broadly in accordance with all relevant saved policies in the Local Plan, and with Draft Policy B5 in the Bath and North East Somerset Draft Core Strategy, published in December 2010.

Subject to appropriate Conditions, the proposed development is unlikely to adversely affect European Protected Species, notwithstanding the proximity of the site to the Bath & Bradford on Avon Bats SAC, and will not adversely affect the character of the setting of the World Heritage Site, or the amenities of the nearby Cotswolds Area of Outstanding Natural Beauty. The proposed development will facilitate the completion of an agreement under S106 of the Town and Country Planning Act 1990 (as amended) that will secure campus-wide plans for the management of traffic generation, tree and landscape, and ecology, and also essential contributions to the maintenance and improvement

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**Application No.**  
12/02203/FUL

**Address**  
Automate Bath Limited  
Gloucester Road  
Swainswick  
Bath

Applicant's Agent: The applicant's agent has stated that their intention is to landscape the area edged blue to the south of the site and to restore it as a green area. They think that this could be achieved via a planning condition, but would be willing to enter into a s106 agreement requiring the cessation of its current use and its landscaping.

Planning Officer: A s106 agreement would be necessary, rather than a planning condition, to require the cessation of the commercial garage use of the land to the south.