

**BATH AND NORTH EAST SOMERSET COUNCIL**

**Development Control Committee**

**6 July 2011**

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

**ITEM 11**

**ITEMS FOR PLANNING PERMISSION**

<b>Item No</b>	<b>Application No</b>	<b>Address</b>	<b>Page No</b>
<b>01</b>	<b>10/05199/MINW</b>	<b>Stowey Quarry, Stowey Road, Stowey Sutton</b>	<b>40</b>

Revocation of previous planning permissions

At Development Control Committee on the 8<sup>th</sup> June 2011, the issue of revocation of the two existing permissions at Stowey Quarry, if permission for the current application was approved, was discussed.

Whilst planning permissions can be revoked, revocation should only be considered if the original decision was wrong so that damage would be done to the wider public interest if the development went ahead. For example if planning permission had been granted without ecological assessments having been undertaken and the site was found to have a significant population of protected flora or fauna, a permission could be revoked as implementing the permission would cause damage.

Revocation will require the compensation of the applicant for the depreciation in the land value due to planning permission being taken away.

We can see no reason for revoking the two extant planning permissions as the implementation of the current application will impose considerable restrictions on the quarry operation. Condition 8 of the committee report has considered the two previous permissions and has been worded so as to restrict total vehicle movements to 100 a day Mondays to Fridays. Therefore even if two or even three permissions were operating in tandem, this would not lead to two or three times the vehicle movements or more than 125,000tpa into the site.

Finally, if the two previous permissions were revoked and the current application was granted but not implemented so that it lapsed, there would be no recourse to completing the landfilling and restoration of the quarry.

## Reasons for Permission

The decision to grant permission has been taken having regard to all relevant material planning considerations, comments received and the relevant policies of the Development Plan, set out in A) below.

The Council is satisfied that the proposed development can be carried out safely, without significant adverse impact on the character of the surrounding area, or the amenity of local residents or the local natural environment. This is supported by the findings of the Environmental Impact Assessment which accompanied the Planning Application and the Environment Agency who have not objected to the application. Following the withdrawal of objections from Natural England and the Council's Ecology Officer, the Council are satisfied that the proposed development will not have an adverse impact on the Chew Valley Special Protection Area or Site of Special Scientific Interest. The proposed conditions restrict daily vehicle movements to a level acceptable to the Council's Highway Officer.

In summary, it is considered that the proposed development is acceptable in planning terms. Detailed hydro-geological and stability assessments will be prepared to support the Environmental Permit application and thus are not required at the planning stage. The Environmental Permit will impose additional strict regulations on emissions to air, land and water.

The proposed development will create a facility for the disposal of stable non reactive hazardous waste which cannot be reused or recycled. There is no other such facility in the West of England Sub Region thus there is a need for the facility and the grant of permission will enable the quarry to be filled and restored by the 30<sup>th</sup> November 2022.

The proposed development accords with the following policies in the Bath and North East Somerset Local Plan including Mineral and Waste Policies (October 2007);

WM.1(Waste Management) which states that the development of waste management facilities will only be permitted where they have regard for regional self sufficiency and the proximity principle and do not have a significant adverse impact on the environment and local amenities;  
WM.12 (Waste Management) which states that the disposal of wastes to land will only be permitted where the proposal relates to mineral working sites where filling with appropriate materials is required to achieve restoration of the site.

ES.5 (Foul and Surface Water Drainage) which states that permission will not be allowed where there is inadequate provision for sustainable foul and surface water infrastructure that would result in problems on and off site.

ES.9 (Pollution and Nuisance) which states that development will not be permitted where it would pose unacceptable risk of pollution to other existing or proposed land uses.

ES.10 (Air Quality) which states that development will not be permitted where it would have an adverse impact on health, the natural or built environment or amenity of proposed users by virtue of dust or other air pollution.

ES.12 (Noise) which states that developments which adversely affect health, the built or natural environment or general amenity as a result of unacceptable increase in levels of noise, will not be permitted.

ES.14 (Stability) which states that development will only be permitted if the site is capable of development without adversely affecting the development or that of neighbouring land.

NE.1 (Landscape Character) which seeks to conserve and enhance the character and local distinctiveness of the landscape.

NE.2 (AONB) seeks to prevent development which would adversely affect the AONB.

NE.10 (Ecology) which states that development that would adversely affect, directly or indirectly, species which are internationally or nationally protected or the habitat of such species will not be permitted.

NE.13 (Water) which states that development within the groundwater source protection areas shown on the Proposals Map, or any other groundwater catchment area, will not be permitted where it has an adverse impact on the quality of groundwater resource in terms of pollution and derogation of the resource.

NE14. (Flooding) seeks to prevent development that will be prone to flooding or would increase flooding elsewhere.

M.9 (Transport of Minerals) which states that development will only be permitted where the access roads to the site are adequate for the type and volume of traffic proposed.

T24 (Traffic) which states that development will only be permitted if it provides a high standard of highway safety.

Policy 8 of the Joint Waste Core Strategy which requires waste for landfill to be incapable of re use or recycling.

Change to proposed conditions following letter from Kathy Curling dated 10/06/2011 on behalf of owner of Stowey House Farm.

Following suggestions by Kathy Curling, two conditions in the committee report are to be amended in the event of planning permission being granted. The amendments are shown by the under lining.

**Condition 9 to read;**

The operators shall maintain records of the weekly imports and exports of material and vehicle movements as approved under planning permissions 07/02328/VAR, 07/02326/MINW and 10/05199/MINW and shall submit them to the LPA on a monthly basis for the first two years from the date of this permission, after which the frequency will be reviewed. All records shall be kept for at least five years.

Reason: To enable the LPA to monitor the imports and exports from the site.

**Condition 14 to read;**

No operations, including collections and deliveries, shall take place except between the following hours:

- 0700 to 1800 hours Monday to Friday;
- 0800 to 1200 hours Saturdays; and
- No operations on Sundays or Public Holidays.

Reason: To minimise disturbance to the surrounding area.

Comments from Clutton Parish Council dated 29/06/2011

The Council received a report on the decision by the B&NES Planning Committee to defer consideration of the above application, and decided to submit the following points for the attention of the Planning Committee when this matter next comes before it:

Although the site lies outside the boundaries of the parish, the Council is concerned about the adequacy of measures to prevent the escape of hazardous substances from the site, both through the ground into the water table or the Chew Valley reservoir, or onto the surface, to the detriment of humans, fauna or flora, and with the danger of escaping contaminants finding their way into the food chain.

Although the site lies outside the boundaries of the parish, the Council is concerned about the danger of hazardous substances in the form of dust or other particles carried over the parish on the prevailing westerly winds, both from the site and from the route which the majority of lorries will take to and from the site. The quarry lies barely a mile from Clutton, and the Stowey Road route taken by most of the lorries follows the same line between the quarry and Clutton as the majority of the wind we experience, so that any wind-borne hazardous material will be brought directly to our village.

The Council is concerned at the prospect of the damage which the increased lorry traffic will cause to the surface of Stowey Road, along which almost all the traffic will flow to and from the site, the strengthening of which this Council already urged many years ago. There is no indication either that the developer intends to contribute towards the cost of such improvement, nor that B&NES intends to require the developer to do so.

The Council is concerned at the prospect of the significant congestion likely to arise on a regular and daily basis at the junction of Stowey Road and the A37 from the increased lorry traffic – a junction which already sees considerable congestion, even when a car is waiting to turn into Stowey Road or when a heavy lorry is pulling out of Stowey Road. There appears to be no indication of any intention to install any traffic management measures (e.g. lights, roundabout) at this junction, to help manage this congestion, nor that the developer would be required to contribute to the cost of any such measures.

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<b>02</b>	<b>11/00768/FUL</b>	<b>4 James Street West, Bath</b>	<b>58</b>

Seven further letters of objection have been received on the following grounds;

- Additional rooms are above the levels set out in the Visitor Accommodation Study
- Parking should be provided
- No need for budget accommodation which cheapens the image of Bath
- Site is designated office space

Officer comments:

These points have largely been addressed in the Officer report. One comment has however been received stating that the site is designated as protected office space this is not however the case. The existing uses at the site are detailed in the Officer report.

The Officers report referred to 10 cycle parking spaces which was an error there are in fact 15 cycle parking spaces are to be provided.

<b>Item No</b>	<b>Application No</b>	<b>Address</b>	<b>Page No</b>
<b>07</b>	<b>10/05014/FUL</b>	<b>Stables, Butcombe Lane, Nempnett Thrubwell</b>	<b>112</b>

Update Condition 3 of recommendation to reflect the fact that there is a jump already on site. It should now read:

*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no additional jumps or other equestrian associated paraphernalia, other than the existing single jump fence in situ shall be erected or used on this site without a further planning permission having first been applied for and approved in writing by the Local Planning Authority.*

*Reason: In the interests of the visual amenity and character of the green belt and this part of the Mendip Hills Area of Outstanding Natural Beauty.*

<b>Item No</b>	<b>Application No</b>	<b>Address</b>	<b>Page No</b>
<b>8 and 9</b>	<b>10/04747/EFUL</b>	<b>Bath Spa University Campus, Newton St</b>	<b>121-168</b>
	<b>10/04748/EFUL</b>	<b>Loe</b>	

### **Procedural Advice to Members**

For Members' convenience, the Officers' report and presentation on applications 10/04747/EFUL and 10/04748/EFUL has been prepared on a joint basis, because of the extent of repetition that would otherwise have been necessary. However, Members will need to make separate formal decisions on the two applications, each being the subject of a separate vote.

### **Supplementary Consultation Responses**

The Council's **Ecologist** has made additional comments as follows:  
*"I am satisfied that there is no risk of a significant adverse effect on the European Designated Sites within the vicinity of Bath & North East Somerset, as listed below:*

*Bath & Bradford on Avon Bats SAC  
North Somerset & Mendip Bats SAC  
Chew Valley Lake SPA  
Avon Gorge Woodlands SAC  
Mells Valley SAC*

- The nearest of these designated sites, the Bath & Bradford on Avon Bats SAC, is over 5km from the site.*
- Two passes were recorded of Greater Horseshoe bat at Bath Spa University Campus during the bat activity surveys undertaken, and none were recorded using buildings affected by the proposals. The Ecological Assessment concludes from the low number of records that the areas surveyed do not include important foraging or flight lines for Greater Horseshoe bats.*

*I do not consider the proposals to require any further Test of Likely Significant Effect than the above."*

The above comments had previously been made to the case officer verbally and have already been reflected in the Main Agenda report.

The Council's **Environmental Monitoring Technical Officer** has confirmed that she has No Objections to the proposed Biomass Boiler and system,

subject to no changes being made to the specified installation (in which case a revised Air Quality Assessment would be required).

This requirement can be secured by an appropriately worded Condition, and the Conditions below relating to application 10/04748/EFUL incorporate this.

### **Additional Representations**

Officers (and Committee Members) have received emails in support of the university's proposals from **Councillors David Dixon** and **Will Sandry**.

### **Recommendations**

The Officer Recommendation on each of the two applications remains to Permit, but the full lists of recommended Conditions are now set out below.

### **Planning Application Ref: 10/04747/EFUL**

PERMIT, subject to the following Conditions:

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. The permission hereby granted for the construction of the temporary car park extension shown on the approved plans shall expire on 31<sup>st</sup> December 2014 and the car park extension shall be removed on or before that date and the land restored in accordance with a scheme of works and a programme of implementation which shall be submitted for approval by the local planning authority on or before 30<sup>th</sup> June 2014.

Reason: Whilst a permanent permission is granted for the proposed academic building and associated works, the local planning authority considers that a permanent planning permission is not appropriate for the car park extension as this will adversely affect the character and appearance of Newton Park, contrary to Local Plan Policies D.2, GB.2 and GH.9.

3. Prior to the closure of any existing car parking spaces within the application site in order to facilitate the commencement of building operations (or any associated ancillary works or use), the temporary extension to the car park hereby approved shall be laid out and brought into use in accordance with the submitted drawings.

Reason: To ensure that adequate car parking is maintained on the site throughout the construction phase.

4. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external

surfaces, including roofs, have 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 character and appearance of Newton Park.

5. No development shall commence until a sample panel of all external walling, roofing and paving materials to be used has been erected on site and approved in writing by the local planning authority. The approved sample panels shall be kept on site for reference until the development is completed.

Reason: In the interests of the character and appearance of Newton Park.

6. The building hereby approved shall not be occupied or used until an Internal Illumination Management Plan detailing the external appearance, anticipated impacts and management of the internal lighting regime has been submitted to and approved in writing by the local planning authority. The building shall thereafter only be lit internally in accordance with the approved details.

Reason: In the interests of the character and appearance of Newton Park, having regard to the extent of the glazed section of the building.

7. The purpose-built bat room in the Compton building shall only be used as a bat room and not for any other purpose and shall be provided and maintained in accordance with Figure 9.3 of the Environmental Statement and the design in Figure 8 attached to the Bat Survey Report dated September 2010.

Reason: As required by Natural England in order to ensure that the bat room is provided and maintained and to safeguard biodiversity on the campus.

8. Details of the programme of all works within the area shown on Figure 9.5 of the Environmental Statement shall first be submitted to and agreed in writing by the local planning authority and works within the areas to the west of the development (to the east of Compton building) shall be phased in order to avoid sensitive periods for bats, in particular the maternity period.

Reason: As required by Natural England in order to safeguard biodiversity on the campus.

9. No development shall commence until a Biodiversity Management Plan covering the construction phase of the Phase 1 development and incorporating a Landscape and Habitats Management Plan for the entire campus covering the operational phase has been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The Plan shall include all mitigation specified in the Environmental Statement and ES Addendum document as well as the mitigation principles set out in the document entitled "Broad Principles of Mitigation for the future" prepared by Nicholas Pearson associates. The submitted Biodiversity Management Plan shall cover the operational phase for a minimum of ten years following the

completion of Phase 1, and shall provide for a scheme for the enhancement of habitat for otters on the site, and a programme of monitoring including the annual submission of data to the local planning authority. The approved Plan will be expected to be incorporated into biodiversity management for future phases in order to ensure continuity of biodiversity management at the site.

Reason: As required by Natural England in order to comply with the requirements of PPS9 on enhancement of habitat for biodiversity and to reduce the impacts on biodiversity on the campus.

10. No permanent or temporary external lighting shall be installed or used on the site other than in accordance with details that have first been submitted to and approved in writing by the local planning authority. Within the Amphitheatre area shown on the approved plans, the details submitted for approval of any lighting to be installed or used in connection with performances shall specify LED white lighting and any such lighting shall be focussed on the stage with no upward lighting.

Reason: As required by Natural England in the interest of bats using the site and in the interests of the visual amenities of the campus.

11. The external Amphitheatre shown on the approved plans shall not be used other than in accordance with an Operational Statement that shall have first been submitted to and approved in writing by the local planning authority. The submitted Statement shall include details of the anticipated range of usage, including details of any amplification equipment to be used together with proposals for the control and mitigation of any potential noise nuisance that may result from the use of this area. All performances in the Amphitheatre area shall end by 9.15pm and all external activity associated with any performance in this area shall cease by 9.30pm.

Reason As required by Natural England in order to avoid the most sensitive time periods for bats, and to minimise impacts from noise on the amenities of Newton Park and of local residents.

12. The external Amphitheatre shown on the approved plans shall not be used for more than 15 lit performances in total per calendar year and there shall be no lit performances at any time between 1st June and 30th September in any year.

Reason: As required by Natural England to minimise impacts from lighting on bats and in order to safeguard the amenities of Newton Park and of local residents.

13. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works

servicing the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: As required by the Environment Agency to prevent any increased risk of flooding.

14. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority and shall include, but not exclusively, the following: a programme of works; details of contractor parking and access and materials storage areas; proposals for the management of deliveries including stacking arrangements; and on- and off-site traffic management.

Reason: To ensure the safe operation of the highway and the site access road and to ensure that adequate provision is made for these matters, in locations which do not prejudice the character appearance and ecology of Newton Park.

15. Prior to the commencement of the development, details of the appearance and locations of the relocated cycle stands and shelters, together with a programme for their re-provision, shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of sustainable development and to ensure that adequate cycle parking is maintained on site.

16. Prior to the commencement of the development, information regarding the location(s) for the alternative off-site student accommodation to replace on-site accommodation temporarily lost during the phased campus development, together with their available means of travel to and from the site, shall be submitted and approved in writing by the local planning authority, either as a free-standing document or alternatively as an addendum to the Travel Plan.

Reason: In the interests of sustainable development and to ensure that the impacts of these matters can be assessed.

17. No part of the building hereby permitted shall be occupied or used until an update to Bath Spa University's Travel Plan for Newton Park, taking into account the approved development, has been submitted to and approved in writing by the local planning authority. The updated travel plan shall include a requirement for traffic flows to and from the University to be measured by automatic traffic counters for a minimum period of one week in the November prior to occupation of the approved academic building at a time when the University is in full occupation (the "base survey"), and for traffic flows to be measured in the same way annually each November thereafter. If the average weekday traffic flow (Monday to Friday between 07:00 and 18:00) measured subsequently exceeds the average weekday traffic flow measured in the base survey by 10% or more, then a review of the travel plan, including a programme for the implementation of any necessary measures identified within the review, shall be submitted to the local planning authority for

approval within 4 months of the survey. The data used in any such approved review of the travel plan shall then become the base survey data against which subsequent annual survey results must be compared for the purposes of this Condition.

Reason: In order to ensure that the transportation implications of the proposed development are monitored annually and that the university's Travel Plan is updated as necessary.

18. Notwithstanding the information shown on the approved plans, no part of the building hereby approved shall be occupied or used until details of the location of bus stop facilities proposed to serve this part of the site have been submitted to and approved in writing by the local planning authority. Where new facilities are proposed, the details to be submitted shall include details of location, layout and design.

Reason: In order to ensure that satisfactory bus access is provided to serve the development and the adjacent part of the campus.

19. No development shall take place within the site (including any site clearance or demolition works) until the applicant, or their agents or successors in title, has produced detailed drawings of all underground works, including foundations, drainage and those of statutory undertakers, which have been submitted to and approved in writing by the local planning authority. Such details shall include the location, extent and depth of all excavations and these works shall be carried out and completed in accordance with details as approved.

Reason: The site is within an area of major archaeological interest and the local planning authority will wish to protect the archaeological remains.

20. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the local planning authority will wish to record and protect the archaeological remains.

21. The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance

with a publication plan which has been submitted to and approved in writing by the local planning authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the local planning authority.

Reason: The site has produced significant archaeological findings and the local planning authority will wish to publish or otherwise disseminate the results.

22. Notwithstanding the information submitted with the current application, no development shall commence on site until a finalised version of the proposed Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The finalised document will be expected to include a detailed and up to date timetable for all works associated with the protection, relocation and removal of existing trees affected by the proposed development (or by any associated works or uses), and for the on-going protection and maintenance of both new trees and trees transplanted within the campus in connection with the development hereby approved. Any tree the subject of this Condition which is damaged, becomes diseased, or dies within a period of 5 years from the date of its planting or transplanting shall be replaced with a specimen of a similar species and size (unless otherwise agreed in writing by the local planning authority) and will thereafter be maintained and protected in accordance with the finalised and approved Arboricultural Method Statement.

Reason: In order to ensure that the works affecting trees proceed in accordance with an up to date timetable, and that the trees are properly protected and maintained in the interests of the visual amenities of the campus and (as required by Natural England) of bats using the site.

23. No development or site preparation activity shall commence until the protective and precautionary measures for retained trees as set out in the finalised and approved Arboricultural Method Statement have been implemented, and the local planning authority has been given written notice of the fact that the initial tree protection measures as required are in place and available for inspection at least two weeks in advance of the proposed development commencement date.

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

24. No development or other operations shall take place except in complete accordance with the finalised and approved Arboricultural Method Statement unless otherwise agreed in writing by the local planning authority. Supervision and monitoring details shall be provided to the local planning authority following each phase of works (as set out in the finalised and approved Arboricultural Method Statement) undertaken within the root protection areas of retained trees. Unless otherwise agreed in writing by the local planning authority, a signed certificate of compliance with the finalised

and approved Arboricultural Method Statement shall be provided to the local planning authority prior to the occupation/use of any part of the development or on completion of the development, whichever is the earlier.

Reason: To ensure compliance with the approved Arboricultural Method Statement for the duration of the development.

25. No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the local planning authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

26. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

27. 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.

PLANS LIST: To be inserted before decision notice is issued.

#### ADVICE NOTE:

Where a request is made to a local planning authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG. Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

## Reasons for Granting Permission:

- 1) The local planning authority's decision to grant permission has taken account of the Development Plan and the proposed development is considered on balance to be in accordance with the policies set out in A) below.
  - 2) The decision to grant permission has had regard to the environmental information received by the local planning authority in association with this application. In the light of the information submitted in the EIA and the subsequent consultation responses received, the development is not considered to have an adverse impact on the ecology, landscape, amenity or character of the area or to adversely affect the setting of the listed buildings within Newton Park, such as to justify the refusal of planning permission. It is not considered to have any unacceptable groundwater, flood, drainage, pollution, nuisance, noise or health impacts. The development is not considered to be inappropriate development in the Green Belt.
  - 3) The requirements of the European Habitats Regulations have been taken into account, and whilst bat roosts will be affected by the development, based upon the advice of Natural England and the Council's Ecologist, the local planning authority is satisfied that Natural England will grant a licence for the works to proceed.
- A) Policy B5 of the "Draft Core Strategy" (supporting the focussing of university development on the two university campuses) and the following policies of the "Bath and North East Somerset Local Plan, including mineral and waste policies, as adopted October 2007":- IMP.1 (regarding Planning contributions – none appropriate in this case), D.2 (regarding general design and public realm considerations), ES.1 and ES.2 (promoting energy conservation and sustainability), ES.5 (requiring satisfactory drainage), ES.9 ES.10 and ES.12 (guarding against pollution and nuisance), HG.13 and HG.17 (guarding against loss of existing residential accommodation and promoting student accommodation in sustainable locations), GB.1 GB.2 and GB.3 (regarding development within the Green Belt), NE.1 NE.10 NE.11 NE.12 and NE.15 (protecting landscape character and habitats), BH.2 BH.9 BH.11 and BH.12 (safeguarding heritage assets including archaeology), T.1 T.3 T.5 T.6 T.8 T.24 T.25 and T.26 (promoting sustainable transportation modes and highway safety including Travel Plan initiatives).

### GUIDANCE NOTES:

*Because there is an overall reduction in impermeable area across the site and the use of SuDS techniques is detailed in the Flood Risk Assessment (FRA) the Environment Agency (EA) has confirmed that it has no objections on surface drainage grounds.*

*However the EA has expressed concern that the applicant has not carried out recent infiltration tests to confirm that the drainage strategy will function as intended. If soakaways are not viable, the applicant will have to use alternative SuDS techniques, no details of which have been provided. The Applicant is advised that the EA will expect to see betterment in accordance with Planning Policy Statement 25 in a climate change scenario, preferably to greenfield run-off rates, but no calculations to show what the reduction in run-off from the site have been provided in the FRA. The drainage scheme must include sustainable drainage techniques including a green roof, permeable paving, rainwater harvesting and soakaways where possible as described in the FRA. If soakaways are not possible, the EA would expect the SuDS hierarchy to be used when selecting alternative methods and would also want to see run-off limited to greenfield run-off rates where possible for all return periods up to and including the 1 in 100 year storm plus an allowance for climate change.*

*In any case the EA must be provided with detailed drainage calculations to demonstrate that the flood risk to the surrounding area will be reduced during a 1 in 100 year storm plus climate change.*

*Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, prior written Flood Defence Consent is required from the EA for any proposed works or structures in, under, over or within 8 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991.*

*Pollution Prevention safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. The Applicant is referred to the EA's Pollution Prevention Guidelines, which can be found at:*

*<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>*

### **Planning Application Ref: 10/04748/EFUL**

PERMIT, subject to the following Conditions:

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. No development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external

surfaces, including roofs, have 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 character and appearance of Newton Park.

3. No development shall commence until a sample panel of all external walling, roofing and paving materials to be used has been erected on site and approved in writing by the local planning authority. The approved sample panels shall be kept on site for reference until the development is completed.

Reason: In the interests of the character and appearance of Newton Park.

4. Details of the programme of all works within the area shown on Figure 9.5 of the Environmental Statement shall first be submitted to and agreed in writing by the local planning authority and works within the areas to the west of the development (to the east of Compton building) shall be phased in order to avoid sensitive periods for bats, in particular the maternity period.

Reason: As required by Natural England in order to safeguard biodiversity on the campus.

5. No development shall commence on site until a Biodiversity Management Plan covering the construction phase of the Phase 1 development and incorporating a Landscape and Habitats Management Plan for the entire campus covering the operational phase has been submitted to and approved in writing by the local planning authority (in consultation with Natural England). The Plan shall include all mitigation specified in the Environmental Statement and ES Addendum document as well as the mitigation principles set out in the document entitled "Broad Principles of Mitigation for the future" prepared by Nicholas Pearson associates. The submitted Biodiversity Management Plan shall cover the operational phase for a minimum of ten years following the completion of Phase 1, and shall provide for a scheme for the enhancement of habitat for otters on the site, and a programme of monitoring including the annual submission of data to the local planning authority. The approved Plan will be expected to be incorporated into biodiversity management for future phases in order to ensure continuity of biodiversity management at the site.

Reason: As required by Natural England in order to safeguard biodiversity on the campus and in order to comply with the requirements of PPS9 on enhancement of habitat for biodiversity.

6. No external lighting shall be installed or used on the site other than in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: As required by Natural England in the interest of bats using the site and in the interests of the visual amenities of the campus.

7. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

Reason: As required by the Environment Agency to prevent any increased risk of flooding.

8. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority and shall include, but not exclusively, the following: a programme of works; details of contractor parking and access and materials storage areas; proposals for the management of deliveries including stacking arrangements; and on- and off-site traffic management.

Reason: To ensure the safe operation of the highway and the site access road and to ensure that adequate provision is made for these matters, in locations which do not prejudice the character appearance and ecology of Newton Park.

9. No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development, and shall be carried out by a competent person(s) and completed in accordance with the approved written scheme of investigation. Thereafter the building works shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.

Reason: The site is within an area of major archaeological interest and the local planning authority will wish to record and protect the archaeological remains.

10. The development shall not be brought into use or occupied until the applicant, or their agents or successors in title, has secured the implementation of a programme of post-excavation analysis in accordance with a publication plan which has been submitted to and approved in writing by the local planning authority. The programme of post-excavation analysis shall be carried out by a competent person(s) and completed in accordance with the approved publication plan, or as otherwise agreed in writing with the local planning authority.

Reason: The site has produced significant archaeological findings and the local planning authority will wish to publish or otherwise disseminate the results.

11. Notwithstanding the information submitted with the current application, no development shall commence on site until a finalised version of the proposed Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The finalised document will be expected to include a detailed and up to date timetable for all works associated with the protection, relocation and removal of existing trees affected by the proposed development (or by any associated works or uses), and for the on-going protection and maintenance of both new trees and trees transplanted within the campus in connection with the development hereby approved. Any tree the subject of this Condition which is damaged, becomes diseased, or dies within a period of 5 years from the date of its planting or transplanting shall be replaced with a specimen of a similar species and size (unless otherwise agreed in writing by the local planning authority) and will thereafter be maintained and protected in accordance with the finalised and approved Arboricultural Method Statement.

Reason: In order to ensure that the works affecting trees proceed in accordance with an up to date timetable, and that the trees are properly protected and maintained in the interests of the visual amenities of the campus and (as required by Natural England) of bats using the site.

12. No development or site preparation activity shall commence until the protective and precautionary measures for retained trees as set out in the finalised and approved Arboricultural Method Statement have been implemented, and the local planning authority has been given written notice of the fact that the initial tree protection measures as required are in place and available for inspection at least two weeks in advance of the proposed development commencement date.

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

13. No development or other operations shall take place except in complete accordance with the finalised and approved Arboricultural Method Statement unless otherwise agreed in writing by the local planning authority. Supervision and monitoring details shall be provided to the local planning authority following each phase of works (as set out in the finalised and approved Arboricultural Method Statement) undertaken within the root protection areas of retained trees. Unless otherwise agreed in writing by the local planning authority, a signed certificate of compliance with the finalised and approved Arboricultural Method Statement shall be provided to the local planning authority prior to the occupation/use of any part of the development or on completion of the development, whichever is the earlier.

Reason: To ensure compliance with the approved Arboricultural Method Statement for the duration of the development.

14.No development shall be commenced until a hard and soft landscape scheme has been first submitted to and approved in writing by the local planning authority, such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; details of the surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development.

15. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the local planning authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the local planning authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained.

16. The proposed Energy Centre Biomass Boiler and system shall be installed and operated only as specified in the submitted Air Quality Assessment document. No changes shall be made to the installation unless a revised Air Quality Assessment report has first been submitted to and approved in writing by the local planning authority. The installation shall thereafter be operated in accordance with an approved revised Air Quality Assessment.

Reason: In order to ensure that emissions from the installation are adequately monitored and controlled.

17. 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.

PLANS LIST: To be inserted before the decision notice is issued.

#### ADVICE NOTE:

Where a request is made to a local planning authority for written confirmation of compliance with a condition or conditions attached to a planning permission or where a request to discharge conditions is submitted a fee shall be paid to that authority. Details of the fee can be found on the "what happens after permission" pages of the Council's Website. Please send your requests to the Registration Team, Planning Services, PO Box 5006, Bath, BA1 1JG.

Requests can be made using the 1APP standard form which is available from the Planning Portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk).

### **Reasons for Granting Permission:**

- 1) The local planning authority's decision to grant permission has taken account of the Development Plan and the proposed development is considered on balance to be in accordance with the policies set out in A) below.
  - 2) The decision to grant permission has had regard to the environmental information received in association with this application. In the light of the information submitted in the EIA and the subsequent consultation responses received, the development is not considered to have an adverse impact on the ecology, landscape, amenity or character of the area or to adversely affect the setting of the listed buildings within Newton Park, such as to justify the refusal of planning permission. It is not considered to have any unacceptable groundwater, flood, drainage, pollution, nuisance, noise or health impacts. The development is not considered to be inappropriate development in the Green Belt.
  - 3) The requirements of the European Habitats Regulations have been taken into account, and whilst bats will be affected by the development, based upon the advice of Natural England and the Council's Ecologist, the local planning authority is satisfied that Natural England will grant a licence for the works to proceed.
- A) Policy B5 of the Draft Core Strategy (supporting university development being focussed on the two university campuses) and the following policies of the Bath and North East Somerset Local Plan, including mineral and waste policies, as adopted October 2007:- IMP.1 (regarding Planning contributions – none appropriate in this case), D.2 (regarding general design and public realm considerations), ES.1 and ES.2 (promoting energy conservation and sustainability), ES.5 (requiring satisfactory drainage), ES.9 ES.10 and ES.12 (guarding against pollution and nuisance), GB.1 GB.2 and GB.3 (regarding development within the Green Belt), NE.1 NE.10 NE.11 NE.12 and NE.15 (protecting landscape character and habitats), BH.2 BH.9 BH.11 and BH.12 (safeguarding heritage assets including archaeology), and T.1 T.24 T.25 and T.26 (promoting highway safety including Travel Plan initiatives).

### **GUIDANCE NOTES:**

1. *The Applicant is advised that if the proposed Biomass boiler has a wood chip/pellet throughput of >45.4kg/hr then a chimney height submission will be required by the Council's Environmental Health Department.*

2. Because there is an overall reduction in impermeable area across the site and the use of SuDS techniques is detailed in the Flood Risk Assessment (FRA) the Environment Agency (EA) has confirmed that it has no objections on surface drainage grounds.

However the EA has expressed concern that the applicant has not carried out recent infiltration tests to confirm that the drainage strategy will function as intended. If soakaways are not viable, the applicant will have to use alternative SuDS techniques, no details of which have been provided. The Applicant is advised that the EA will expect to see betterment in accordance with Planning Policy Statement 25 in a climate change scenario, preferably to greenfield run-off rates, but no calculations to show what the reduction in run-off from the site have been provided in the FRA. The drainage scheme must include sustainable drainage techniques including a green roof, permeable paving, rainwater harvesting and soakaways where possible as described in the FRA. If soakaways are not possible, the EA would expect the SuDS hierarchy to be used when selecting alternative methods and would also want to see run-off limited to greenfield run-off rates where possible for all return periods up to and including the 1 in 100 year storm plus an allowance for climate change.

In any case the EA must be provided with detailed drainage calculations to demonstrate that the flood risk to the surrounding area will be reduced during a 1 in 100 year storm plus climate change.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, prior written Flood Defence Consent is required from the EA for any proposed works or structures in, under, over or within 8 metres of the top of the bank of a designated 'main river'. Any impediment to flow in an 'ordinary' watercourse will also require consent under section 23 of the Land Drainage Act 1991.

Pollution Prevention safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use machinery, oils/chemicals and materials, the routing of heavy vehicles, the location of work and storage areas, and the control and removal of spoil and wastes. The Applicant is referred to the EA's Pollution Prevention Guidelines, which can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>