

Bath & North East Somerset Council

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Date: 23rd December 2010
Our Ref: 06/01733/EOUT

Hepher Dixon Ltd
23 Furzton Lake
Shirwell Crescent
Furzton
Milton Keynes
MK4 1GA

Dear Sir/Madam

**Town and Country Planning Act 1990
Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999**

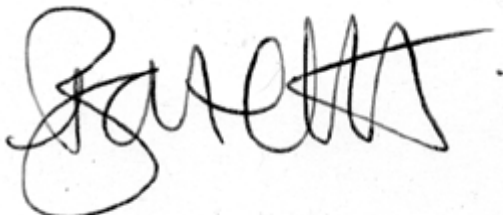
Address to which the proposal relates: Application No: **06/01733/EOUT**
Western Riverside Development Area Midland Road Twerton Bath

Description of proposal: Date registered: **12th May 2006**
A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping

Name of Applicant: **Crest Nicholson (Bath Western) Ltd**

With reference to the above application for outline planning permission, please find enclosed a copy of the Local Planning Authority's notification of decision. Your attention is drawn to the notes that accompany the decision notice which give guidance on matters such as making appeals, serving purchase notices, and compensation issues. However, if you require further assistance on any of the above areas, please contact Planning Services.

Yours faithfully



Lisa Bartlett
Development Manager, Planning & Transport Development

**Town and Country Planning Act 1990
Town and Country Planning (Environmental Impact Assessment) (England and Wales)
Regulations 1999**

NOTIFICATION OF DECISION

Application Type: **Outline Application with an EIA attached**

Address to which the proposal relates: **Western Riverside Development Area Midland Road Twerton Bath**
Application No: **06/01733/EOUT**

Description of Proposal:

A new residential quarter including up to 2281 residential homes and apartments (Class C3); up to 675 student bedrooms and associated communal areas (Class C3) (or alternatively up to 345 student bedrooms (Class C3) and a primary school (Class D1)); local shops, restaurants, and other community services and facilities (within Classes A1, A2, A3, A4, A5, D1); construction of new bridges, roads, footways and cycleways; associated infrastructure and facilities; accommodation works; and landscaping

Application submitted by: **Crest Nicholson (Bath Western) Ltd**

The above development is hereby **APPROVED** in accordance with the application, plans and drawings submitted by you subject to the condition(s) set out below:

1 The development hereby permitted in outline must be begun on or before whichever is the later of the following dates:

- (i) 10 years from the date of this permission; or
- (ii) the expiration of two years from the date of the approval of the last of the reserved matters to be approved.

Reason: To prevent the accumulation of planning permissions, whilst allowing an appropriate period for bringing forward this large scale development; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with Section 92(2) of the Town and Country Planning Act 1990.

2 Detailed plans and drawings with respect to the matters reserved for subsequent approval shall be submitted to the Local Planning Authority within 9 years from the date of this permission.

Reason: To ensure this large scale development is brought forward within an appropriate timescale; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with Section 92(2) of the Town and Country Planning Act 1990.

3 The reserved matters are:

In relation to the part of the development to the north of the River Avon - layout, scale, appearance and landscaping;

In relation to the remainder of the development - scale, appearance and landscaping.

Reason: In order to clarify the scope of reserved matters submissions required.

4 No development shall commence on any Stage until a phasing strategy showing the proposed order of the development for that Stage has been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved phasing strategy unless otherwise agreed in writing.

Reason: To ensure an acceptable phasing of development, to enable the Local Planning Authority to verify compliance with conditions; to ensure that the development is carried out in accordance with the Environmental Statement and compliance with policies D2 and GDS.1:B1 of the adopted Local Plan.

5 No development shall commence on any Phase within a Stage, until details of the reserved matters for that Phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

6 Any application for the approval of the reserved matters shall be substantially in accordance with the development parameters shown in the following drawings:

1268/P/105 revision P - Proposed Site Layout (establishing finished ground levels (mAOD), maximum building heights (mAOD), maximum number of storeys)

1268/P/112 revision E - Land Use Plan

1268/P/113 revision J - Phasing and Access Plan

1268/P/114-1 revision D - Movement Strategy Plan Pedestrian and Cycle

1268/P/114-2 revision D - Movement Strategy Plan Cars

1268/P/114-3 revision D - Movement Strategy Plan BRT and Local Bus Routes

1268/P/114-4 revision D - Movement Strategy Plan Refuse and Recycling Collection

1268/P/114-5 revision D - Movement Strategy Plan Emergency and Delivery

197BWR SD011 revision E - Open Space Strategy

197BWR SD012 revision F -Habitat Creation

197BWR SD013 revision F - Open Water Management Strategy

HWY-PWY-C001 revision 15 - Pinesway Access Proposed General Arrangement

1158/SK/05 revision G - Upper Bristol Road Proposed Access Arrangement

1158/SK/15 revision D - Lower Bristol Road Proposed Access Arrangement

SK002 revision 02 - BWR Flood Volume Displacement and Compensation

GSK037 revision 00 - Bridge Location Plan

C/BR/100 revision 01 - Destructor Bridge General Arrangements

C/BR/200 revision 01 - Pedestrian Bridge General Arrangement

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990, whilst allowing an appropriate period for the submission of reserved matters for all phases.

7 With the exception of those parts of the development to the north of the River Avon and to the east of Victoria Bridge Road and Buildings 5, 16 and 27 (the Riverside Buildings) the details of the reserved matters shall be substantially in accordance with the documents Bath Western Riverside Design Codes dated 30/11/10 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development.

8 Details of all of the reserved matters for the part of the development to the north of the River Avon (save for the essential enabling works associated with river bridges and Gas Infrastructure Works) shall be submitted together and shall be accompanied by a design assessment to demonstrate how they preserve or enhance the character or appearance of the Bath Conservation Area

Reason: To ensure that the reserved matters submission is comprehensive and to provide sufficient information to enable the effect of the detailed design of this element of the development upon the character and appearance of the Conservation Area to be assessed.

9 As part of a reserved matters submission for either Buildings 5, 16 or 27, a Design Framework setting out principles to regulate the detailed design of all of these buildings within the development shall be submitted to the Local Planning Authority for approval.

Reason: To ensure a consistency of approach in the detailed design of these buildings.

10 a) Save as otherwise agreed in writing by the Local Planning Authority the development shall be phased in accordance with the following order of development:

Stage one - the land coloured yellow, blue and orange (as shown on Plan 2 of the Section 106 agreement associated with this permission)

Stage two - the land coloured green (as shown on Plan 2 of this Section 106 agreement associated with the permission)

Stage three - the land coloured red (as shown on Plan 2 of this Section 106 agreement associated with the permission)

Stage four - the land coloured purple (as shown on Plan 2 of this Section 106 agreement associated with the permission)

b) There shall be a minimum of 812 dwellings in Stage one, a minimum of 16 dwellings in Stage two, a minimum of 888 dwellings in Stage three, and a minimum of 107 dwellings in Stage four.

c) Save for the Gas Infrastructure Works, no development in stage two shall take place until Stage one has been completed and no development shall take place in Stage three until Stage two has been completed. Stage four will be the final stage to be completed.

Reason: To ensure an acceptable phasing of development, to enable the Local Planning Authority to verify compliance with conditions; and to ensure that the development is carried out in accordance with the Bath Western Riverside Supplementary Planning Document (March 2008), the Environmental Statement and compliance with policies D2 and GDS.1:B1 of the adopted Local Plan.

11 a) No development authorised by this planning permission shall be commenced on the land coloured yellow on Plan 2, until an agreement under Section 106 of the Town and Country Planning Act 1990 substantially in the same terms as the Section 106 Agreement of even date with this planning permission to bind the land coloured orange on Plan 2 has been entered into by all parties with a relevant interest in the land coloured orange and completed in relation to the land coloured orange.

b) No development authorised by this planning permission shall be commenced on the land coloured green on Plan 2 or on the land coloured red on Plan 2 or on the land coloured purple on Plan 2 respectively until an agreement under Section 106 of the Town and Country Planning Act 1990 substantially in the same terms as the Section 106 Agreement of even date with this planning permission to bind the land coloured green, or the land coloured red or the land coloured purple on Plan 2 as the case may be, has been entered into by all parties with a relevant interest in the land coloured green or the land coloured red or the land coloured purple as the case may be, and completed in relation to the relevant area of land.

Reason: To ensure that each specified part of the application site is bound by the Section 106 Agreement before work commences on that specified part of the site.

12 The development of residential accommodation, commercial premises, or any other permanent building designed for occupation shall not be occupied within the Inner or Middle Consultation Zones

shown on the attached Health and Safety Executive plan ref. Windsor House Holder Station reference HSE HID C15 Ref: H 1596 until Windsor Gas Holder Station has been permanently decommissioned to the satisfaction of the Local Planning Authority in consultation with the Health and Safety Executive and the hazardous substances consent applicable to the three gas holders has been removed

Reason: The Health and Safety Executive has raised objections to the proposed development on public safety grounds, and these objections must be addressed to the satisfaction of the local planning authority (in consultation with the Health and Safety Executive) before any occupation of the specified types of development takes place within the specified Zones.

13 No development shall commence until details of the surface water diversion works and the new outfall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the surface water diversion works and new outfall have been completed in accordance with the approved details.

Reason: To ensure the satisfactory disposal of surface water drainage.

14 No development shall commence on Stage one until such time as a scheme for the provision of floodplain storage compensation works on land to the east of Midland Road, including details of any proposed phasing programme (and any proposed temporary stockpiling of materials), for fluvial events up to and including the 1 in 100 year (+20%) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate flood compensation is provided in accordance with the Flood Risk Assessment and Environmental Statement and in compliance with policies NE14 and GDS.1:B1 of the adopted Local Plan.

15 No development approved by this permission shall be commenced on Stage three until such time as a scheme for the provision of floodplain storage compensation works on land to the west of Midland Road, including details of any proposed phasing programme (and any proposed temporary stockpiling of materials), for fluvial events up to and including the 1 in 100 year (+20%) has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate flood compensation is provided in accordance with the Flood Risk Assessment and Environmental Statement and in compliance with policies NE14 and GDS.1:B1 of the adopted Local Plan.

16 a) No development shall commence on any Stage, until a strategy for the disposal of surface water and run off limitation for that stage, has been submitted to and approved by the Local Planning Authority.

b) No development shall commence on any Phase within a Stage, until a scheme for the provision and implementation of a surface water run-off limitation for that phase, based on the approved strategy for that stage, has been submitted to and approved in writing by the LPA. No building within that Phase shall be occupied until the approved scheme has been laid out, constructed and completed in accordance with the approved details for the phase. No building within that Phase shall be occupied until the approved surface water drainage scheme, based on sustainable drainage principles, has been laid out, constructed and completed in accordance with the approved details for the Phase. The surface water drainage scheme shall be in accordance with the design approach and principles shown on Parameter Drawing 197/BWR/SD/013 revision F and described in the Environmental Statement and shall include details of attenuation and for the provision and implementation of surface water storage capacity during 1 in 100 year (+20%) storm conditions together with the arrangements to ensure that prior to being discharged into any watercourse, surface water sewer or soakaway all

surface water drainage from vehicle parking and hardstanding areas shall be cleansed in accordance with Section 11 of the Environmental Statement.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

17 No development shall commence on any Phase within a Stage until a maintenance and adoption agreement for the surface water drainage strategy has been submitted and approved in writing by the Local Planning Authority. The agreement shall be completed prior to occupation and thereafter maintained in place.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal for the lifetime of the development.

18 a) No development shall commence on any stage until a foul water drainage strategy for that Stage has been submitted to and approved in writing by the Local Planning Authority.

b) No development shall commence on any Phase within a Stage, until a scheme for the disposal of foul sewage for that Phase, based on the approved strategy for that Stage, has been submitted to and approved in writing by the Local Planning Authority. No building within that Phase shall be occupied until the approved foul drainage has been laid out, constructed and completed in accordance with the approved details for the Phase.

Reason: To ensure a satisfactory method of foul sewage drainage and in compliance with policies ES5 and GDS.1:B1 of the adopted Local Plan.

19 No development shall commence on any Phase within a Stage, until details specifying points of construction access and the routes for demolition and construction traffic have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the construction and demolition traffic routes and access points shall be provided in accordance with the approved details before any work is carried out on the applicable Phase of the development and thereafter retained in accordance with the approved development phasing. The details shall be substantially in accordance with the Construction Traffic Management Plan contained within Appendix H of the Addendum to the Transport Assessment and as described in Chapter 5 of the Environmental Statement. Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity of local residents, in compliance with policies T24 and GDS.1:B1 of the adopted Local Plan.

20 No development shall commence on any Phase within a Stage, until details of the proposed means of emergency access and egress to/from the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure safe access and egress to/from the development during an emergency.

21 No demolition works shall commence on any Phase within a Stage until a Demolition Method Statement to demonstrate the extent to which the most valuable materials will be removed for later re-use or processing and potentially contaminating materials and fittings can be removed from the site safely, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved Demolition Method Statement.

Reason: To establish an audit trail for demolition materials in order to encourage more effective resource management in demolition and new builds, in compliance with policies D4 and GDS.1:B1 of the adopted Local Plan.

22 No development shall commence on any Phase within a Stage until a Ground Works Method Statement and scheme of works for that Phase has been submitted to and approved in writing by the Local Planning Authority and thereafter the Method Statement shall be complied with. The Statement shall include provision for the control of topsoil and sub-soil stripping, temporary storage of soils and overburden, authorisation of any removal of soil material from the site, acceptable weather conditions for working and cleaning of vehicles entering the public highway and shall comply with the approved remediation strategy.

Reason: To protect the quality of the soil resource on the site and in accordance with the proposals in the Environment Statement, and in compliance with policies ES9, ES12 and GDS.1:B1 of the adopted Local Plan.

23 No development shall commence on any Phase within a Stage until a Construction Environmental Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority and thereafter the Management Plan shall be adhered to. This plan shall detail construction hours, construction traffic parking, site compounds, on-site construction management methods, construction traffic wheel washing, pollution and contamination prevention methods, construction lighting details, measures to control dust and to protect air quality, means of noise and vibration control and operation times.

Reason: To protect the amenity of local residents and businesses and in accordance with the proposals in the Environmental Statement, and in compliance with policies ES10, ES12 and GDS.1:B1 of the adopted Local Plan.

24 No development shall commence until a scheme for the provision of public realm and car parking along Victoria Bridge Road has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing.

Reason: To ensure a satisfactory layout and appearance of the development.

25 a) No development shall commence on any Stage, until a strategic landscape strategy for that stage, has been submitted to and approved in writing by the Local Planning Authority

b) No development shall commence on any Phase within a Stage, until a landscaping scheme for that phase, based on the approved strategic landscape strategy for that stage, has been submitted to and approved in writing by the Local Planning Authority.

The details 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 for the staged implementation of the landscaping details, indicating how each proposed landscaped area will be implemented in association with the nearby phase(s) of the development.

In the case of proposed permanent landscaped areas, the details shall also include:

i) a scheme for the objectives, management and long term maintenance and monitoring of all of the open spaces, landscaping and ecological habitats and open water to be provided within the application site, and shall delineate all of the features to be provided including the precise areas of open space, the nature of any public access, use or management, the timing of delivery,

arrangements for the transfer and adoption of open spaces and arrangements for long term management; and

ii) proposals for the monitoring and review of establishment and growth rates and a framework for remedial action where performance falls below that assumed in the application and Environmental Statement. Thereafter the development shall be carried out and maintained in accordance with the approved details.

In the case of interim landscaped areas likely to be built on in association with further submissions, the details shall also include proposals for management and use during the period whilst such areas remain open.

c) All trees and shrubs in the approved landscaping shall be planted in the first planting season following the completion of the building works of the appropriate phase of the scheme. This landscaping and tree planting must have a 5 year maintenance/watering provision following planting. Any trees or shrubs removed, because they are dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted and maintained for a further period of five years unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development incorporates an appropriate level of open space, planting and wildlife areas in order to preserve and enhance the habitat for biodiversity on the site in accordance with PPS9, and to ensure a satisfactory standard of visual amenity is provided and maintained, and compliance with policies D4 and GDS.1:B1 of the adopted Local Plan.

26 No development shall commence on any Phase within a Stage until a plan showing those areas of open space within the Phase, to be adopted by the Council, has been submitted to and approved in writing by the Local Planning Authority, and thereafter the open space shall be laid out and offered to the Council for adoption in accordance with the approved details.

Reason: To ensure the adoption and long term maintenance of open space.

27 No development shall commence on any Phase within a Stage, where Japanese Knotweed is present, until a strategy for the treatment of Japanese Knotweed within that Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved strategy shall be implemented and the Japanese Knotweed removed prior to commencement of development on any parcel of land within a Phase where Japanese Knotweed is present.

Reason: Japanese Knotweed is an invasive non-native plant which if left untreated can spread and undermine foundations.

28 No construction work on any building, for each Phase within a Stage, shall take place until final details for the incorporation of any proposed green/brown roofs or partial green/brown roofs on the buildings have been submitted to and agreed in writing by the Local Planning Authority (where relevant and including, where relevant, proposals for their management and maintenance). The approved green/brown roofs shall be retained thereafter, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance and to offset the loss of part of habitat and to protect any existing wildlife on the site in accordance with the Environmental Statement and compliance with policies NE12 and GDS.1:B1 of the adopted Local Plan.

29 No development shall commence on any Phase within a Stage, until a lighting strategy for that Phase has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall be in accordance with the principles and headings set out in the Outline Environmental

Management Plan dated June 2010 and shall refer to the approved landscape area plan and planting schedule. The approved scheme shall be implemented in its entirety unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a satisfactory standard of visual amenity, to minimise the impact of lighting on fauna, including bats, as described within Chapter 9 of the Environmental Statement and to ensure no glare to users of the highway in the interests of highway safety, and in compliance with policies D2, NE10, T24 and GDS.1:B1 of the adopted Local Plan.

30 No development shall commence on any Phase within a Stage until a programme of archaeological work for that Phase, to be undertaken by a suitably qualified archaeological organisation, including excavations and watching brief, has been implemented for that phase in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for a programme of post excavation analysis of all deposits of archaeological significance and for reporting the results.

Reason: To ensure that archaeological remains and features are adequately recorded in accordance with the proposals in the Environment Statement, and in compliance with policies BH12 and GDS.1:B1 of the adopted Local Plan.

31 No development shall commence on any Phase within a Stage until a plan showing those areas of public highway within the phase to be adopted by the Council has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no area of proposed public highway shown to be adopted on the approved plans shall be constructed beyond the stage of a haul road in connection with the construction of the development until an agreement pursuant to Section 38 of the Highways Act 1980 has been entered into in respect of that area of proposed public highway.

Reason: To ensure the adoption and long term maintenance of principal highways.

32 Details of the design and construction of the replacement Destructor Bridge, including the soffit levels, and associated enabling works shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of the existing bridge and construction of the replacement bridge. The replacement bridge shall be constructed in accordance with the approved details. The replacement Destructor Bridge soffit level must be set at a minimum of 20.2m AOD (1 in 100 year (+30%) 600mm).

Reason: To protect the appearance and character of the area, to ensure satisfactory access to the development in accordance with the Transport Statement, and in compliance with policies T24, T26 and GDS.1:B1 of the adopted Local Plan. To ensure the bridge structures do not disrupt the hydraulic connectivity of the River Avon floodplain.

33 Prior to the removal and replacement of the existing Destructor Bridge, a Method Statement shall be submitted to and approved in writing by the Local Planning Authority detailing the methodology and timescale for removal and replacement of the existing bridge and thereafter the works comprised in the Method Statement shall be carried out in accordance with the approved Method Statement.

Reason: In the interests of highway safety and protection of the river environment and ecology, in compliance with policies T24, NE15 and GDS.1:B1 of the adopted Local Plan.

34 Prior to commencement of development on the land coloured red on Plan 2 within the Section 106 legal agreement associated with this permission, a Pedestrian Access Strategy shall be submitted to and approved in writing by the Local Planning Authority. Details of any new pedestrian bridge required under the pedestrian access strategy shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the new bridge and removal of the existing gas pipe bridge.

Details of the design and construction of any new pedestrian bridge shall include soffit levels and associated enabling works. The replacement bridge shall be constructed in accordance with the approved details.

Reason: To protect the appearance and character of the area, in compliance with policies T24, T26 and GDS.1:B1 of the adopted Local Plan. To ensure the bridge structures do not disrupt the hydraulic connectivity of the River Avon floodplain.

35 The Pedestrian Access Strategy shall provide that prior to any removal of the existing gas pipe bridge and its replacement with any new bridge a Method Statement shall be submitted to and approved in writing by the Local Planning Authority detailing the methodology and timescale for removal and replacement of the bridge, and thereafter be carried out in accordance with the approved Method Statement. The Method Statement shall include provision for survey, management and protection of any roosting bats as described within Chapter 9 of the Environmental Statement.

Reason: In the interests of highway safety and protection of the river environment and ecology, in compliance with policies T24, NE10 and GDS.1:B1 of the adopted Local Plan.

36 No more than 50 dwellings on the land coloured yellow, blue and orange on Plan 2 within the Section 106 legal agreement associated with this permission, shall be occupied until a scheme for the provision of moorings on the River Avon including arrangements for their long term management and maintenance has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure suitable design and secure future long term management and maintenance of riverside moorings and in compliance with policy GDS.1:B1 of the adopted Local Plan, and to ensure there is no adverse impact upon the characteristics of the River Avon.

37 No moorings shall be used on a permanent residential basis unless a further planning permission is granted.

Reason: To ensure that any future proposals for residential moorings are properly dealt with on their merits.

38 No more than 50 dwellings on the land coloured yellow, blue and orange on Plan 2 within the Section 106 legal agreement associated with this permission, shall be occupied until the details of a scheme for the proposed alterations and maintenance to the river wall sheet piling, pile anchors and river bank, including detailed drawings and cross sections adjacent to the Riverside Park east of the proposed Destructor Bridge, have been submitted to and approved in writing by the Local Planning Authority. The proposed alterations must not adversely affect local flow regimes. The approved scheme shall be carried out and completed prior to the occupation of the 250th dwelling, on the land coloured yellow, blue and orange on Plan 2.

Reason: To ensure the structural integrity of the river wall sheet piling and that the existing standard of protection is maintained and to ensure the continued effective operation of the Bath Ultrasonic Gauging Station.

39 No more than 50 dwellings on the land coloured red on Plan 2 within the Section 106 legal agreement associated with this permission, shall be occupied until the details of a scheme for the proposed alterations and maintenance to the river wall sheet piling, pile anchors and river bank, including detailed drawings and cross sections adjacent to the Riverside Park West of the proposed Destructor Bridge, have been submitted to and approved in writing by the Local Planning Authority. The proposed alterations must not adversely affect local flow regimes. The approved scheme shall be carried out prior to the occupation of the 400th dwelling on the land coloured red on Plan 2.

Reason: To ensure the structural integrity of the river wall sheet piling and that the existing standard of protection is maintained and to ensure the continued effective operation of the Bath Ultrasonic Gauging Station.

40 No more than 600 residential units within the development shall be occupied until a scheme for the replacement Destructor Bridge has been submitted to the Local Planning Authority for approval. Not more than 650 residential units within the development shall be occupied until the replacement Destructor Bridge has been completed and available for use so as to provide an open connection (excluding works to the footway west of Midland Road within the land coloured purple on Plan 2 within the Section 106 legal agreement associated with this permission) for vehicular traffic from the Upper Bristol Road across the Destructor Bridge and through the development in accordance with the approved scheme.

Reason: To ensure satisfactory means of access to the development.

41 If required by the approved Pedestrian Access Strategy as required by condition 34, no more than 1200 residential units within the development shall be occupied until a scheme for the pedestrian bridge has been submitted to the local planning authority for approval. Not more than 1300 residential units within the development shall be occupied until the Pedestrian Pipe Bridge has been completed and available for use in accordance with the approved scheme.

Reason: To ensure satisfactory means of access to the development.

42 a) None of the residential units within a Stage of the development shall be occupied until a scheme for the provision of the Bus Rapid Transit System (BRTS) Throughroute for that Stage (where relevant) has been submitted to and approved in writing by the Local Planning Authority.

b) The BRTS Throughroute scheme will address the delivery of the BRTS, including:

- (i) the standard of delivery of the BRTS Throughroute.
- (ii) the timing of delivery of the BRTS Throughroute.
- (iii) the arrangements and co-operation as between the Council and the developer to ensure the orderly delivery of the Throughroute within the context of the delivery of the development from time to time.

(c) Not more than 200 residential units within the development shall be occupied until the BRTS Throughroute East has been completed in accordance with the approved scheme.

(d) Not more than 1250 residential units within the development shall be occupied until the BRTS Throughroute West has been completed in accordance with the approved scheme.

(e) The Throughroute scheme will permit the accommodation of residential parking on the BRTS route, but must leave a clear unobstructed route of no less than 6.2m.

Reason: To ensure the provision, design and timing of the BRTS Throughroute.

43 Schemes for the provision of highway works shall be submitted to the Local Planning Authority for approval in accordance with the below triggers.

The highway works comprise the following elements of works and the restrictions upon occupation of dwellings within the development shall apply for each of the relevant highway works as follows:

(a) No residential units within the development shall be occupied until the Pines Way Junction Works have been completed in accordance with the approved scheme;

(b) no more than 600 residential units within the development shall be occupied until details of the Destructor Bridge Junction Works has been submitted to the Local Planning Authority for approval. Not more than 650 residential units within the development shall be occupied until the Destructor Bridge Junction Works have been completed in accordance with the approved details.

(c) no more than 600 residential units within the development shall be occupied until details of the Upper Bristol Road Junction Works has been submitted to the Local Planning Authority for approval. Not more than 650 residential units within the development shall be occupied until the Upper Bristol Road Junction Works (except for the works to the footway west of Midland Road within the land coloured purple on Plan 2 within the Section 106 legal agreement associated with this permission) have been completed in accordance with the approved details;

(d) no more than 1150 residential units within the development shall be occupied until details of the Lower Bristol Road Junction Works has been submitted to the Local Planning Authority for approval. The Lower Bristol Road Junction Works shall be completed in accordance with the approved details, by the earlier of 12 months of commencement of development on the land coloured red or green on Plan 2 within the Section 106 legal agreement associated with this permission or occupation of the 1250th residential unit within the development.

(e) no more than 1150 residential units within the development shall be occupied until details of the BRTS West Junction Works has been submitted to the Local Planning Authority for approval. Not more than 1250 residential units within the development shall be occupied until the BRTS West Junction Works have been completed in accordance with the approved details;

(f) no more than 1200 residential units within the development shall be occupied until details of the Pedestrian Pipe Bridge Junction Works has been submitted to the Local Planning Authority for approval. Not more than 1300 residential units within the development shall be occupied until the Pedestrian Pipe Bridge Junction Works have been completed in accordance with the approved details.

Reason: To ensure satisfactory means of access and completion of highway works in a phased manner triggered by residential unit occupation.

44 Not more than 1150 residential units within the development shall be occupied until a scheme for the provision of the primary school has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted for approval shall include for the provision of access and services to the school site. Not more than 1250 residential units within the development shall be occupied unless the primary school has been completed and is ready for use by the local education authority in accordance with the approved scheme.

Reason: To ensure an acceptable mix of development and provision of community and health facilities, in accordance with the Environmental Statement, and in compliance with policies CF3 and GDS.1:B1 of the adopted Local Plan.

45 The affordable housing shall be provided in strict accordance with the Affordable Housing Scheme dated 10 December 2010.

The restrictions imposed by the Affordable Housing Scheme in relation to the use of any unit as affordable housing shall cease to apply where a mortgagee takes possession or contemplates exercising its power of sale in respect of any of the affordable housing units provided that the procedure in paragraph 4.3 of the Affordable Housing Scheme is followed.

Unless varied with the approval of the local planning authority the following thresholds shall apply to the delivery of the affordable housing:

- (i) Not more than 150 open market residential units within the development shall be occupied unless there have been provided 50 affordable housing units.
- (ii) Not more than 300 open market residential units within the development shall be occupied unless there have been provided 100 affordable housing units.
- (iii) Not more than 450 open market residential units within the development shall be occupied unless there have been provided 150 affordable housing units.
- (iv) Not more than 600 open market residential units within the development shall be occupied unless there have been provided 200 affordable housing units.
- (v) Not more than 750 open market residential units within the development shall be occupied unless there have been provided 250 affordable housing units.
- (vi) Not more than 900 open market residential units within the development shall be occupied unless there have been provided 300 affordable housing units.
- (vii) Not more than 1050 open market residential units within the development shall be occupied unless there have been provided 350 affordable housing units.
- (viii) Not more than 1200 open market residential units within the development shall be occupied unless there have been provided 400 affordable housing units.
- (ix) Not more than 1350 open market residential units within the development shall be occupied unless there have been provided 450 affordable housing units.
- (x) Not more than 1500 open market residential units within the development shall be occupied unless there have been provided 500 affordable housing units.

Reason: To ensure the satisfactory provision of affordable housing across the site.

46 Not more than 500 residential units within the development shall be occupied on the green land or the red land on Plan 2 within the Section 106 legal agreement associated with this permission, until a scheme for the provision of accommodation for a Health Care Facility has been submitted to and approved in writing by the Local Planning Authority. Not more than 750 residential units within the development shall be occupied on the green land or the red land until the accommodation for a Health Care Facility has been provided in accordance with the approved scheme.

Reason: To ensure an acceptable mix of development and provision of community and health facilities, in accordance with the Environmental Statement, and in compliance with policies CF3 and GDS.1:B1 of the adopted Local Plan.

47 Prior to the occupation of any building a scheme for the Non Structural Refurbishment of Victoria Bridge and for improvement works to the Victoria Bridge Link to Upper Bristol Road shall be submitted to and approved in writing by the Local Planning Authority. The bridge refurbishment works and Victoria Bridge link shall be carried out in accordance with the approved details. The Victoria Bridge Link to Upper Bristol Road shall be carried out and completed in conjunction with the Victoria Bridge refurbishment works provided that the requirements of this condition shall not apply where the said works are not being carried out by the Developer pursuant to Schedule 1 paragraph 2.5 of the Section 106 Agreement of even date with this planning permission and the Developer has paid the Victoria Bridge Contribution in accordance with Schedule 1 paragraph 2.5.

Reason: To ensure satisfactory means of access to the development and refurbishment of the listed bridge.

48 Prior to the occupation of any building within a particular phase, details of arrangements for the storage and collection of residential and commercial refuse, including the provision of facilities for the storage of recyclable materials for the building in that phase, are to have been submitted to and be approved in writing by the Local Planning Authority and shall be retained as approved.

Reason: To ensure adequate provision for the storage and collection of refuse.

49 Prior to the occupation of any building within a particular Phase, details of a scheme for the provision and maintenance of works of art to be located at prominent locations within that phase of development, or such other location as may be approved in writing by the Local Planning Authority, shall be submitted to and approved by the Local Planning Authority. The works of art shall be implemented and maintained in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In compliance with policies D2 and GDS 1:B1 of the adopted Local Plan.

50 No uses falling within Use Classes A1-A5 within any part of the development hereby approved shall be open to customers other than in accordance with an opening hours statement (detailing the hours of opening for the specific unit or units) which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the amenities of nearby residential occupiers, in compliance with policies D2 and GDS.1:B1 of the adopted Local Plan.

51 The total number of residential car parking spaces in the whole development hereby approved shall be provided at an average ratio of no less than 0.7 spaces per new residential dwelling.

Reason: In the interests of sustainability and to ensure that adequate provision is made for the benefit of people with disabilities, to ensure accordance with the Transport Statement and Environmental Statement, in compliance with policies T24, T26 and GDS.1:B1 of the adopted Local Plan.

52 An average ratio of no less than 0.5 covered cycle parking spaces per dwelling shall be provided and maintained across the site. No residential building or unit shall be occupied until the cycle parking facilities for that building or unit have been provided and such facilities shall be retained thereafter.

Reason: To mitigate the impact on the local highway network of traffic generated by the development and/or to promote and encourage the use of non car modes of transport, to ensure accordance with the Transport Statement and Environmental Statement, in compliance with policies T5, T6 and GDS.1:B1 of the adopted Local Plan.

53 Prior to the occupation of any building within a particular Phase a Pigeon / Gull Management Plan for that Phase shall be submitted to and approved in writing by the Local Planning Authority and thereafter the management plan shall be adhered to.

Reason: To ensure the implementation of measures to discourage Pigeons and Sea Gulls.

54 Buildings (including any overhang) must be set back at least 8m from the bank top of the River Avon unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance and/or improvements and provide for overland flood flows.

55 The riverside easement for each Stage of development (where relevant) shall be provided in accordance with the proposals outlined in Section 5 of the OPA1 Flood Risk Assessment (Report 05) dated September 2006 (Buro Happold) as submitted in support of the application.

Reason: To ensure adequate riverside access.

56 All finished floor levels of all buildings (excluding basement car parking, storage and plant areas) must be set at a minimum of 19.5m above Ordnance Datum (AOD) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction is carried out at suitable levels having regard to flood compensation, drainage, access, the appearance of the development and the amenities of neighbouring properties and in accordance with the Environmental Statement and in compliance with policies NE.14 and GDS.1:B1 of the adopted Local Plan.

57 Threshold levels to the basement car park entrances must be set at a minimum level of 19.5m above Ordnance Datum (AOD) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction is carried out at suitable levels having regard to flood compensation, drainage, access, the appearance of the development and the amenities of neighbouring properties and in accordance with the Environmental Statement and in compliance with policies NE.14 and GDS.1:B1 of the adopted Local Plan.

58 With the exception of where estate roads are meeting existing roads, finished road levels must be set at a minimum of 19.25m above Ordnance Datum (AOD) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that construction is carried out at suitable levels having regard to flood compensation, drainage, access, the appearance of the development and the amenities of neighbouring properties and in accordance with the Environmental Statement and in compliance with policies NE.14 and GDS.1:B1 of the adopted Local Plan.

59 No infiltration of surface water drainage into the ground shall be permitted, other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water.

Reason: To ensure that the proposed development complies with approved details and does not cause pollution of Controlled Waters

60 Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water.

Reason: To ensure that the proposed development complies with approved details and does not cause pollution of Controlled Waters.

61 No more than 6,335sqm (GIA) of floorspace falling within Uses Classes A1, A2, A3, A4, and A5 shall be provided within the development. Each application for the approval of reserved matters which relates to the detailed layout of any building shall specify which (if any) parts of the building are to be used for such use classes, and shall indicate the parking provision for cars and cycles associated with each unit.

Reason: To ensure an acceptable mix of development, to ensure that an excess of commercial floorspace is not provided in the area to the detriment of any identified centre, and to ensure that the

development is carried out in accordance with the Transport Assessment and Environmental Statement and compliance with policies ET1 and GDS.1:B1 of the adopted Local Plan.

62 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no aerial, antennae, satellite dish or related telecommunications equipment shall be erected on any part of the development hereby approved without the prior approval in writing by the Local Planning Authority.

Reason: To ensure that the appearance of high buildings within the development is not prejudiced in compliance with policies D2, ES7 and GDS.1:B1 of the adopted Local Plan and in order to safeguard the amenities of the surrounding area.

63 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) and the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:-

Part 1, Class A (extensions and alterations)
Part 1, Classes B and C (roof addition or alteration)
Part 1, Class D (porch)

Reason: Any further extensions or alterations require detailed consideration by the Local Planning Authority in order to safeguard the amenities of the surrounding area.

64 No development shall take place on any Phase within a Stage until a Site Contamination Remediation Scheme has been submitted to and approved in writing by the Local Planning Authority for that stage or for such other appropriate area as may be agreed in writing by the Local Planning Authority.

The remediation scheme will comprise the detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, and other property and the natural historical environment and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable and programme of works and site management procedures. The scheme must ensure that the site will not qualify as Contaminated Land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The site contamination remediation scheme shall meet the following requirements:

- a) The remediation scheme and programme shall include details of zoning and phasing of site works. The remediation scheme programme shall be submitted to the Local Planning Authority for approval prior to the works commencing and allowance of sufficient time should be provided for the Local Planning Authority to approve the programme of works
- b) The remediation scheme shall include any remedial specifications, environmental management plans and work method statements (design and construction).
- c) The remediation scheme shall specify the chemical criteria thresholds for the capping layer (including topsoil and subsoil), service trench fill material and backfill material. Maximum allowable

deviations from the specified thickness and material type shall be agreed with the Local Planning Authority.

d) The remediation scheme shall specify the site testing and screening methodologies for capping material, service trench fill and backfill material.

e) The remediation scheme shall specify the site testing and screening methodologies for validating the remediation excavation.

f) The groundwater and surface water monitoring plan is required to be included in the remediation scheme and issued to the Local Planning Authority prior to enabling or remediation works commencing.

g) The Local Planning Authority or its Agents shall be allowed access, at any reasonable time, to the works to make routine visits and observe progress and compliance with any planning conditions. Access to the site shall be provided to the Local Planning Authority or its Agents at any reasonable time whilst works are taking place.

h) The remediation scheme shall include a procedure for informing the Local Planning Authority if the environmental standards agreed in the Site Contamination Remediation Scheme are exceeded in order that appropriate additional mitigation measures can be agreed and implemented.

i) Regular reports on progress and validation testing results are required to be provided to the Local Planning Authority and a timetable of reporting or phasing of reporting shall be agreed with the Local Planning Authority prior to site works commencing

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

65 The remediation and validation works may be undertaken in a phased manner on a zone by zone basis as detailed in the remediation scheme. No development other than that required to be carried out as part of a Site Contamination Remediation Scheme approved pursuant to Condition 64 shall take place until the provisions of the approved Scheme of Remediation have been implemented in full in respect of that zone of the site affected by the proposed development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works within each zone of the site.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

66 Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. The validation reporting and any associated works may be undertaken in a phased manner on a zone by zone basis as detailed in the remediation scheme. The validation report for each zone shall comply with the provisions of CLR11 and should contain details of all the work undertaken on the site that has the potential to have an impact on the environment, including temporary works.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

67 Notwithstanding the information already supplied to the Local Planning Authority, further site investigation and risk assessment information as identified below must be submitted to and approved in writing by the Local Planning Authority, in order to confirm the conceptual Site Characterisation Model in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

Further investigation is to be completed in the areas identified on Figure 4 of the Remediation Strategy Addendum (Remediation Scheme) in particular:

(a) In those areas of the site that were previously unavailable for investigation, this includes the two areas of the site that contained badger sets at the time of the previous investigation (the embankment, the Environment Agency compound and the stockpile adjacent to Victoria Bridge Road and the River Avon);

(b) Additional trial pitting adjacent to the railway embankment and Midland Road to confirm the lead concentrations in this area of the site;

(c) Additional trial pitting to investigate the suspected hydrocarbon hotspot and delineate if required; and

(d) Additional trial pitting to better define the excavation boundary surrounding the known hydrocarbon hotspot.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

68 The existing groundwater wells adjacent to Midland Road (shown on Figure 4 of the Remediation Strategy Addendum to the Remedial Strategy (Remedial Scheme) should be maintained in order to determine whether any migration is or is likely to occur from the adjacent gasworks. Additional groundwater monitoring wells may also be required in this location to enable groundwater monitoring prior to, during and following remediation and construction works. The developer shall submit the details and programme of the proposed groundwater monitoring well locations (existing and proposed), installations, monitoring and reporting schedule to the Local Planning Authority for approval prior to commencing the works in affected phases of development. Should migration of contaminants be identified as migrating onto site, then an assessment of the potential impacts to the development will be carried out and appropriate action will be agreed with the Local Planning Authority.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

69 Surface water sampling should be undertaken from the River Avon prior to, during and following the remediation of the known hydrocarbon hotspot adjacent to the River Avon. A floating pollution protection barrage is to be utilised for the monitoring and shall be present during the remediation works within 15m of the river. The location and design of the barrage is to be approved by the Local Planning Authority. The developer shall submit the details and programme of the proposed surface water monitoring to the Local Planning Authority for its approval prior to the enabling works commencing.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

70 Further ground gas monitoring and assessment is required in accordance with appropriate guidance, in particular CIRIA guidance document C665. The developer shall submit the details and programme of the proposed additional gas monitoring works to the Local Planning Authority for their approval prior to the works commencing.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

71 Following the further investigation works as detailed in Conditions 67, 68, 69 and 70 the Conceptual Site Model shall be updated and should it differ from that already established the potential risks to receptors shall be re-assessed.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

72 An appraisal of remedial options and proposal of the preferred options has been completed as the Outline Remedial Strategy Report. Following the additional investigation and monitoring, should the Conceptual Site Model differ from that already established, the remedial options document shall be updated. The details of any updated Conceptual Site Model shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

73 In the event that significant unexpected contamination is found at any time when carrying out the approved development that was not previously identified and which changes the site conceptual model significantly, it must be reported immediately by telephone and followed up in writing to the Local Planning Authority and work must cease on that part of the site affected by the unexpected contamination to any extent that may be specified by the Local Planning Authority until a further scheme for addressing the contamination has been submitted to and approved in writing by the Local Planning Authority. The approved additional scheme shall thereafter be implemented in full.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

74 No development shall take place within any site zone as identified within the Site Contamination Remediation Scheme until a Ground Works Method Statement and scheme of works for that zone has been submitted to and approved in writing by the Local Planning Authority and thereafter the Method Statement shall be adhered to. The Statement shall include provision for the control of topsoil and sub-soil stripping, temporary storage of soils and overburden, authorisation of any removal of soil material from the site, acceptable weather conditions for working and cleaning of vehicles entering the public highway and shall comply where necessary with the approved remediation strategy.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

75 Unless otherwise agreed in writing by the Local Planning Authority, a monitoring and maintenance scheme to include a programme of monitoring and reporting on the long-term effectiveness of the proposed remediation over a period, to be agreed in writing between the Local Planning Authority and the developer, from the completion of the development shall be submitted to the Local Planning

Authority. This scheme must be prepared and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR11, and shall be approved in writing of the LPA. Following completion of the measures identified in the approved scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced in accordance with the scheme and submitted to the Local Planning Authority and all the items listed in this condition shall be subject to the approval in writing of the Local Planning Authority.

Reason: In order to safeguard the health and safety of workers and future occupiers of the site and to ensure that the development is carried out in compliance with policies ES15 and GDS 1: B1 of the adopted Local Plan.

PLANS LIST:

This decision relates to drawing(s):

1268/P/105 revision P - Proposed Site Layout (establishing finished ground levels (mAOD), maximum building heights (mAOD), maximum number of storeys)

1268/P/112 revision E - Land Use Plan

1268/P/113 revision J - Phasing and Access Plan

1268/P/114-1 revision D - Movement Strategy Plan Pedestrian and Cycle

1268/P/114-2 revision D - Movement Strategy Plan Cars

1268/P/114-3 revision D - Movement Strategy Plan BRT and Local Bus Routes

1268/P/114-4 revision D - Movement Strategy Plan Refuse and Recycling Collection

1268/P/114-5 revision D - Movement Strategy Plan Emergency and Delivery

197BWR SD011 revision E - Open Space Strategy

197BWR SD012 revision F -Habitat Creation

197BWR SD013 revision F - Open Water Management Strategy

HWY-PWY-C001 revision 15 - Pinesway Access Proposed General Arrangement

1158/SK/05 revision G - Upper Bristol Road Proposed Access Arrangement

1158/SK/15 revision D - Lower Bristol Road Proposed Access Arrangement

SK002 revision 02 - BWR Flood Volume Displacement and Compensation

GSK037 revision 00 - Bridge Location Plan

C/BR/100 revision 01 - Destructor Bridge General Arrangements

C/BR/200 revision 01 - Pedestrian Bridge General Arrangement

REASONS FOR GRANTING APPROVAL:

1. This application forms part of a suite of concurrent applications connected with the delivery of a major strategic (principally) housing development allocated by Policy GDS.1/B.1 in the Bath and North East Somerset Local Plan (2007). The development as proposed in these applications is broadly in accordance with the provisions of that Local Plan Policy, and whilst providing for the site to be developed in an efficient and beneficial manner also provides for enhancements to the strategic transport network and other infrastructure in the western part of Bath, including essential land and financial contributions to the proposed Bus Rapid Transport System.

2. The development as proposed in these applications is also broadly in accordance with the Bath Western Riverside Supplementary Planning Document (2008), which provides a Spatial Masterplan to guide the redevelopment and regeneration of the Western Riverside area of Bath and amplifies the provisions of Policy GDS.1/B.1 of the Bath & North East Somerset Local Plan, including making appropriate provision for Affordable Housing and for the establishment and/or enhancement of education, community, and health facilities within the immediately surrounding area in accordance with relevant policies in the Local Plan.

3. The development as proposed contributes to and promotes the development and regeneration of the Western Riverside area of Bath on a properly-planned and comprehensive basis, having regard to

all other relevant policies in the Local Plan, including Policies BH.1 and BH.6 which relate to the importance of safeguarding the universal values of the City of Bath World Heritage Site and the character and appearance of the Bath Conservation Area.

4. The development as proposed incorporates appropriate provisions aimed at securing a high standard of design in accordance with the requirements of Local Plan Policies D.2 and D.4.

5. The development as proposed incorporates appropriate provision for the use of alternative energy sources and sustainable construction techniques, and for the encouragement of the use of non-car transport in accordance with the requirements of Local Plan Policies ES.1, ES.2, T.24 and T.25.

6. The development as proposed incorporates appropriate measures, in accordance with the provisions of PPS25 and Local Plan Policy NE.14, in order to address the implications upon the development of its proximity to the River Avon and the likelihood of the site flooding. Furthermore, the development as proposed incorporates adequate additional on-site flood storage capacity, in accordance with the provisions of PPS25 and relevant Local Plan policies to ensure that the development of this site will not lead to an increased risk of flooding elsewhere.

7. The development as proposed incorporates provisions in accordance with relevant Local Plan policies and other legislation to ensure that the ecology of the site and of the adjoining river corridor is safeguarded to an acceptable degree, having regard to the site's status as a major Local Plan allocation.

8. The development as proposed incorporates safeguards in accordance with the requirements of Local Plan Policy ES.13 to ensure that the health and safety of future residents of and visitors to the proposed residential units and other facilities will not be prejudiced by the risks associated with the existing gas installation on part of the site.

9. The development as proposed incorporates safeguards in accordance with the requirements of Local Plan Policy ES.15 to ensure that the health and safety of future residents of and visitors to the proposed residential units and other facilities will not be prejudiced by the risks associated with the contamination of the site arising from its historic industrial uses.

10. The decision to grant approval has taken account of the Development Plan, and approved Supplementary Planning Guidance. This site is subject to the provisions of the Bath Western Riverside Supplementary Planning Document (2008), and the following policies included in the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007 are of particular relevance:

- IMP.1 Planning obligations
- D.2 General design and public realm considerations
- D.4 Townscape considerations
- ES.1 Renewable energy proposals
- ES.2 Energy conservation and protection of environmental resources
- ES.5 Foul and surface water drainage
- ES.10 Air quality
- ES.13 Safety hazards
- ES.15 Contaminated land
- HG.1 Meeting the District housing requirement
- HG.4 Residential development in the urban areas and R.1 settlements
- HG.7 Minimum residential density
- HG.8 Affordable housing on allocated and large windfall sites
- GDS.1:B.1 Site allocations and development requirements
- NE.10 Nationally important species and habitats
- NE.14 Flood risk

- NE.15 Character, amenity and wildlife value of water courses
- BH.1 Impact of development on World Heritage Site of Bath or its setting
- BH.2 Listed buildings and their settings
- BH.6 Development within or affecting Conservation Areas
- T.1 Overarching access policy
- T.11 Rapid transit
- T.16 Development of transport infrastructure
- T.24 General development control and access policy
- T.25 Transport assessments and travel plans

11. All other material considerations, including the views of third parties, have been considered and they do not outweigh the reasons for approving the proposed development.

Informatives (Sequence of Development):

The overall phasing for the development comprised in the outline planning permission is broken down into four stages:

Stage 1 comprises land to the east of Midland Road (shown as the yellow, blue and orange land on Plan 2 attached to the Section 106 Agreement associated with this permission);

Stage 2 comprises a parcel of land to the north of Lower Bristol Road and west of Midland Road (shown as the green land on Plan 2 attached to the Section 106 Agreement associated with this permission);

Stage 3 comprises remaining land to the west of Midland Road (shown as the red land on Plan 2 attached to the Section 106 Agreement associated with this permission);

and Stage 4 comprises the land located to the north of the River Avon (shown as the purple land on Plan 2 attached to the Section 106 Agreement associated with this permission)

Each Stage of development will be broken down into individual Phases with a phasing plan showing the proposed order of development within each Stage to be submitted to the Local Planning Authority prior to the commencement of development on that Stage, in accordance with Condition 4 of the permission.

Definitions:

For the purposes of construing this planning permission, the following definitions shall apply.

1. Gas Infrastructure Works

Gas Infrastructure Works shall be taken to include the dismantling, decommissioning and removal of the gas holders and associated infrastructure and machinery, together with the provision of any required compensation works within the application site.

2. BRTS Throughroute

The BRTS Throughroute shall be taken to mean the route through the site between Windsor Bridge Road and Victoria Bridge Road that shall be left clear and unobstructed

3. BRTS Throughroute East

BRTS Throughroute East refers to that part of the BRTS Throughroute between Midland Road and Victoria Bridge Road

4. BRTS Throughroute West

BRTS Throughroute West refers to that part of the BRTS Throughroute between Windsor Bridge Road and Midland Road.

5. Pinesway Junction Works

The Pinesway Junction Works are those works approved under this permission as shown on approved drawing ref HWY-PWY-C001 revision 15 - Pinesway Access Proposed General Arrangement, and as also approved under the freestanding planning permission ref. 07/02117/FUL for the access.

6. BRTS West Junction Works

The link between the BRTS route and Windsor Bridge Road.

7. Destructor Bridge Junction Works

The link from the replacement Destructor Bridge into the site including the bridge and accommodation works

8. Upper Bristol Road Junction Works

The link from the replacement Destructor Bridge to Upper Bristol Road comprising those works approved under this permission as shown on approved drawing ref. 1158/SK/05G - Upper Bristol Road Proposed Access Arrangement

9. Lower Bristol Road Junction Works

The link through the site along Midland Road to Lower Bristol Road comprising those works approved under this permission as shown on approved drawing ref.1158/SK/15D - Lower Bristol Road Proposed Access Arrangement

10. Pedestrian Pipe Bridge Junction Works

Refers to works to the Pedestrian Pipe Bridge including accommodation works or such alternative works associated with the provision of enhanced pedestrian river crossing routes at the western end of the site as may be agreed in writing by the Local Planning Authority. .

11. BRTS Throughroute Delivery

For the purpose of condition 42 the term "completed" shall mean the completion of construction of the relevant works and them being available for use by the public

12. Highway Works Completion

For the purposes of conditions 40 and 43 the term "completed" shall mean the completion of construction of the relevant highway works and them being available for use by the public

13. Affordable Housing Provision

For the purpose of condition 45 the term "provided" shall mean the completion of construction of the relevant affordable housing units and the disposal of those completed units either (a) by transfer of freehold title or (b) the grant of a lease of a term of at least 125 years at a ground rent of £1 in all cases in accordance with the approved affordable housing scheme.

14. Health Care Facility

The term Health Care Facility shall be taken to mean a facility where medical and/or other associated services are provided to the general public and residents of the development, including: GP surgery, dental surgery, health clinic, chiropodist, optician, and dispensing pharmacy.

15. Green / Brown Roofs

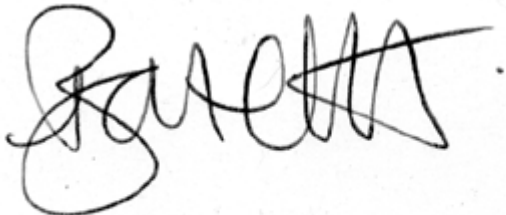
Green and Brown Roofs should be broadly interpreted as being an environment that will promote a habitat of ecological value. Within this broad intent the applicant is encouraged to explore a variety of options including plantings, gravel areas and nesting boxes.

ADVICE NOTES:

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

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.

Date of Decision: 23rd December 2010

A handwritten signature in black ink, appearing to read 'Lisa Bartlett', with a large, sweeping flourish at the end.

Lisa Bartlett
Development Manager, Planning & Transport Development

IMPORTANT NOTE - The above decision refers to outline Planning Permission only and does not grant or imply Listed Building Consent, Advertisement Consent, Building Regulation or other consents under any other legislation.

Bath & North East Somerset Council
(APEOUZ)

Please read the notes that accompany this decision notice.

APPEALS TO THE FIRST SECRETARY OF STATE

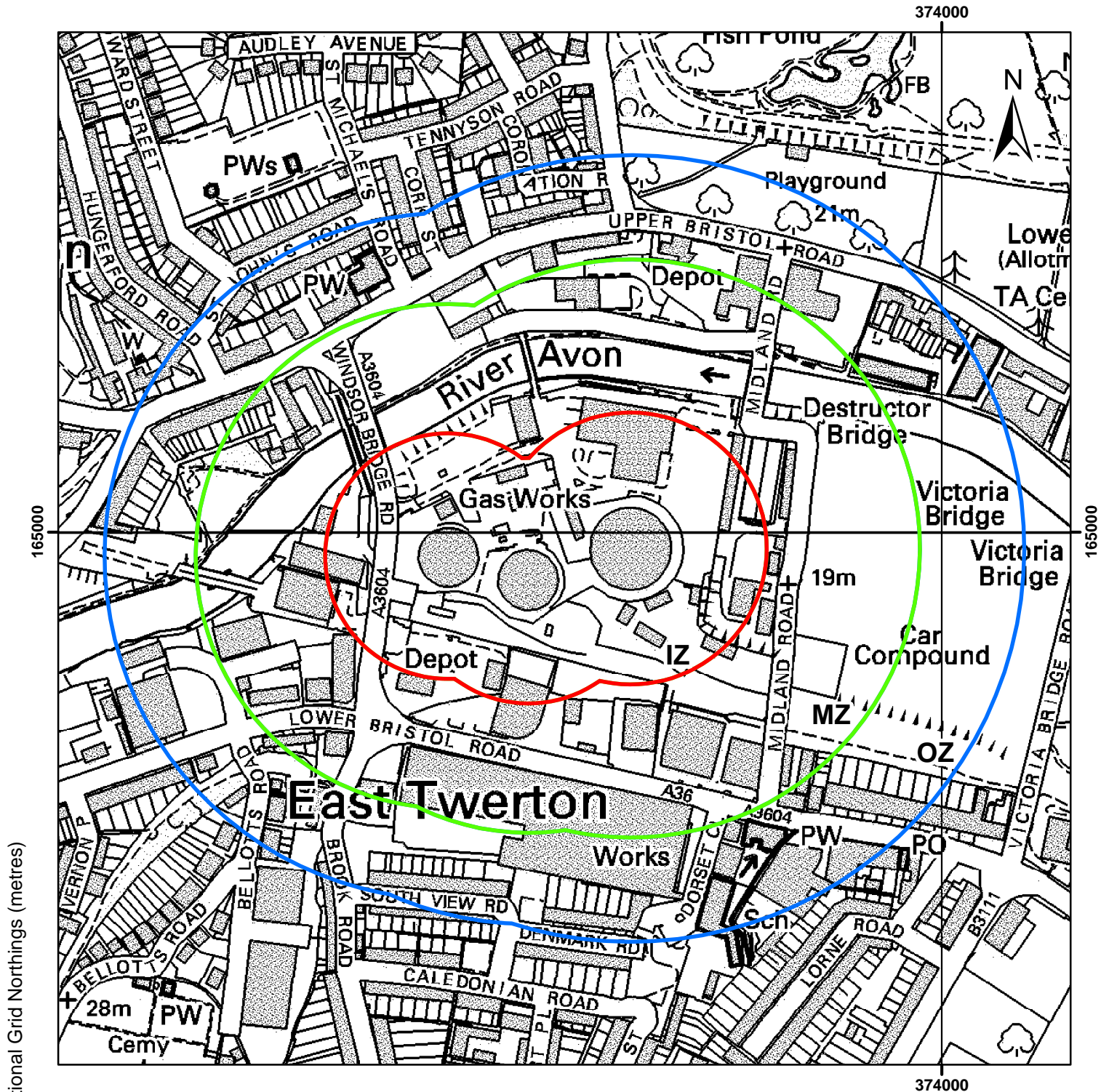
- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice (8 weeks for Advertisement appeals).
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the First Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



National Grid Northings (metres)

National Grid Eastings (metres)

HSE Consultation Zones

Transco, Windsor House Holder Station, Windsor Bridge Road, Bath,
BA2 3AU

HSE HID CI5 Ref: H1596

Grid Ref: ST 737 749

Prepared - September 2006

This map supersedes all previous or undated maps

IZ = Inner Zone
MZ = Middle Zone
OZ = Outer Zone

