

## COMMITTEE REPORT

**Date:** 23 May 2012                      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team                      **Parish:** Huntington Parish Council

**Reference:** 12/01152/FULM  
**Application at:** Land Including Huntington Stadium To The West Of Jockey Lane Huntington York  
**For:** Drainage, landscaping and ecology works on land to the west of Jockey Lane  
**By:** Oakgate (Monks Cross) Limited  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 5 June 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application is for drainage, landscaping and ecology works mainly comprising new ponds and channels totalling approximately 4,500sqm, together with a mosaic of wet and dry grassland and native planting. Two viewing platforms would be erected for public access.

1.2 The application has been prompted by a planning application for a community stadium and retail development scheme on the Vangarde site and at the existing Huntington Stadium (11/02581/OUTM). The development would affect existing amphibian populations within the Vangarde site. In order for the development scheme to be implemented, the impact on amphibians would have to be mitigated. The proposal is for the amphibians to be relocated to an alternative, better, location between Malton Road and the Park and Ride site at Monks Cross. Planning permission for the creation of an amphibian conservation area was granted in August 2011 (11/01500/FUL). The landscaping and drainage works for which consent is now being sought include a wildlife corridor between the Vangarde site and the amphibian conservation area. The proposals would provide an informal recreation and education space within the community.

### MOST RELEVANT PLANNING HISTORY

1.3 98/02301/OUT - Outline application to provide access, vehicle and cycle parking, park and ride facility and landscaping, erection of buildings for B1 and B2 use. Approved 18.07.2003

1.4 08/02623/FULM - Development of global banking data centre with ancillary power supply, substations and offices with associated access, parking, fencing,

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landscaping and ecology habitat (revised and additional information received).  
HSBC. Approved 07.05.2009

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

### 2.2 Policies:

CYGP9  
Landscaping

CYNE1  
Trees, woodlands, hedgerows

CYNE2  
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE6  
Species protected by law

CYNE7  
Habitat protection and creation

CYLD1  
New Public Parks, Green Spaces, Woodlands and Wetlands

## **3.0 CONSULTATIONS**

### INTERNAL

3.1 Environment, Conservation, Sustainable Development (Countryside) - Whilst there is considerable ecological interest in the Vangarde site and any losses would be regrettable, there is insufficient interest to warrant any protected designation or outright objection. The mitigation and compensation proposals set out in the landscaping application adequately offset any loss from this development and provide an excellent opportunity to enhance and, equally importantly, maintain its wildlife value in the foreseeable future.

3.2 Environment, Conservation, Sustainable Development (Landscape) - On the whole the proposals contained within this application would have a positive impact

on the visual landscape, and complement the landscape on the east side of Jockey Lane and the recent newt mitigation area on the west side of Martello Way. The additional tree planting would provide variety and structure to the road and fields. The ponds will be more marked than the existing ditches and the related marginal planting, meadow grassland and scrub will provide greater diversity and visual interest. Details of the level control weirs, outfall structures, and pumping station should be submitted for approval.

## EXTERNAL

3.2 Huntington Parish Council - No objections.

3.3 YNEP - The Panel support the introduction of a pond into the area. Native trees (e.g. oak, field maple) should be planted on the eastern periphery as an alternative to the proposed Norway maples.

3.4 Foss IDB - The Board is concerned over the drainage proposals. The Board is unsure as to the practicality of the applicant's proposal to direct surface water to the River Foss which is some 1.2km away. However, if this is a firm proposal the Board would have no objections to it. Earlier discussions with the developer suggested a discharge to the Board maintained Pigeon Cote Dyke to the east of the site. However, it was unproven whether or not this site currently discharged to that watercourse. The Board would be reluctant to agree a discharge to a watercourse from a different catchment. The discharge location and rates require the final consent of the Board. However, in view of the uncertainty of the proposal the Board objects to the application pending the submission of further information.

3.5 Natural England - Cannot provide advice on individual cases until license applications are received. Note Natural England's standard advice.

3.6 Public Consultation - The consultation period expired on 3 May 2012. No response.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Landscape
- Bio-Diversity
- Drainage and Flood Risk

## THE APPLICATION SITE

4.2 The site comprises a crescent-shaped swathe of undeveloped land alongside Jockey Lane and Martello Way on the south side of Monks Cross Shopping Centre. The site area is 2.39ha. Most of the site lies within the green belt and is identified as a 'Recreational Opportunity Area' under policy L1d of the local plan. The

easternmost part of the site is part of a Premier Employment Site under policy E3b. Immediately to the north is the undeveloped Vangarde site, for which planning permission is being sought for a retail development as part of a wider proposals which include a community stadium at the site if Huntington Stadium (11/02581/OUTM).

## POLICY CONTEXT

4.3 The City of York Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where in accordance with the NPPF. The following local plan policies are still applicable.

4.4 GP9 - Where appropriate, development proposals should incorporate a suitable landscaping scheme that is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.5 NE1 - Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.6 NE2 - Development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced.

4.7 NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

4.8 NE7 - Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats.

4.9 LD1 - Open spaces in specified areas [including the application site] will be brought forward for public access in conjunction with the development of associated allocations.

4.10 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

## LANDSCAPE

4.11 The site would be re-profiled to give it an undulating character. Perimeter tree planting and scrub would add further interest. The proposals would improve the setting of the Vangarde site as viewed from Martello Way and Jockey Lane. The works would also provide an attractive green buffer between the retail park and the undeveloped greenbelt land to the south and east. These benefits would apply whether the current community stadium and enabling retail application for the site was to be approved and implemented or, alternatively, some future proposal for the Vangarde site. Whilst the design and access statement says that all new planting would be native species it includes a non-native variety of Norway Maple. Also there are some minor anomalies in the proposed landscaping plans. Officers will discuss these matters with the applicant and update Members at the meeting. In the meantime the landscaping proposals are included in the provisional list of plans to be approved.

## BIO-DIVERSITY

4.12 The ponds and channels would be fed by direct rainfall and stored surface water. They have been designed for wildlife benefit and would include appropriate flora, bank profiles, water depths and wetland species.

4.13 The ponds would be linked by a series of 1m-wide box culverts. In addition, a terrestrial culvert would be provided under Martello Way which, combined with amphibian 'guide fencing' would provide a route for great crested newts to migrate between the application site and the amphibian conservation area.

4.14 The land proposed for development contains some wildlife interest, notably a small relict population of Great Crested Newt, a fluctuating population of Water Vole and some old wildflower grassland, as well as a good hedgerow landscape with a number of old, overmature trees. Together these provide a good foraging area for bats and there are some limited opportunities for roosting bats. No large roosting activity has been observed. No uncommon invertebrates have been observed.

4.15 Overall, the Monks Cross site has a good though not outstanding wildlife interest and as such has no statutory or non-statutory status. It does though still have a degree of interest that deserves to be considered and where possible retained and mitigated for. Both Great Crested Newt and Water Vole have protected status though only Great Crested Newt has full European protected status.

4.16 Water Vole numbers have declined considerably in the last two years. Their protected status is though more limited and licensing from Natural England is not necessary. Great Crested Newts (GCN) and their habitat have full protected status

and any proposals likely to disturb them will require a licence from Natural England. Nevertheless the council needs to consider whether such a licence would be granted for this work, and should consider the size of the population and the mitigation/compensation prior to planning applications being determined.

4.17 The GCN population on the Vangarde site is small. The impact of the redevelopment on the overall population is likely to be low, but would benefit from reconnection with the adjacent main population. The landscaping proposals look to translocate the newts from the development site onto adjacent, greatly expanded habitat area (approved by 11/01500/FUL) designed specifically to accommodate them. The site has been designed to accommodate the newts from the development site and from any future expansion of the Park and Ride. Such a translocation would ensure that both the translocated newts and those already present adjacent to the mitigation habitat would greatly benefit. The mitigation provided for Great Crested Newt has also been designed to accommodate the current very small population of Water Vole and should provide better habitat for this species.

4.18 In habitat terms there is likely to be considerable loss with regard to the Vangarde redevelopment site as a whole (resulting from previously approved or current proposals). However, the proposals set out in this application are largely beneficial and enhance the remaining habitat.

4.19 Around the Monks Cross area, there are already established elements of landscape and wildlife interest through which there are routes for public enjoyment. The landscape proposals expand this benefit and link to it to provide a more continuous corridor around Monks Cross that enhances the opportunity for establishing a naturalistic corridor around the area both for public access and as a wildlife corridor. They also provide a new link to a further site of wildlife interest adjacent to the Malton Rd. The proposed mitigation area when linked to the existing Park and Ride mitigation area and the landscaped corridor also provide an excellent educational area for future use.

## FLOOD RISK AND DRAINAGE

4.20 In addition to providing wildlife habitat and landscape interest the ponds would be an essential component of a sustainable drainage scheme for the Vangarde site. Surface water would drain into the ponds from where it would be collected and pumped at an agreed rate to an existing watercourse off site. A weir within each pond would maintain a minimum water level and control the outflow, particularly during storm surges. The IDB is concerned that insufficient information has been submitted about the drainage elements of the proposal. However the applicant submitted to the IDB (via the council) the information that the IDB requested but has received no response. Nevertheless the IDB acknowledges that the proposals would need its final approval. Officers will seek further opinion on the amended details from the IDB prior to Committee, but consider that the interests of the IDB

are adequately safeguarded by the final approval on drainage being required from them.

## 5.0 CONCLUSION

5.1 The application accords with relevant policies of the City of York Local Plan Deposit Draft and is acceptable, in proposing to enhance and maintain the wildlife and landscape value of this area.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 The development hereby permitted shall be carried out in accordance with the following plans: A\_C\_0010, A\_C\_0012, A\_C\_0551, 9010-019/105/E, 9010-019/106/E and 9010-019/108/A.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the commencement of development a detailed Method Statement and Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall state the reasonable measures that are to be taken to avoid any possible impact on Great Crested Newts during the proposed work. The strategy shall be accompanied by a plan detailing the protective measures (both physical measures and sensitive working practices) that will be in place to avoid any possible impacts during and prior to the construction phase. The works shall be completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To take account of and enhance the habitat for a protected species.

N. B. If Great Crested Newts are discovered during the course of the work, then it should cease and Natural England consulted before continuing.

4 Prior to the commencement of development a Habitat Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall include:

- (i) Description and evaluation of the features to be managed;
- (ii) Aims and objectives of management;
- (iii) Appropriate management options for achieving aims and objectives;

- (iv) Prescriptions for management actions;
- (v) Personnel responsible for implementation of the plan;
- (vi) Monitoring and remedial/contingency measures triggered by monitoring.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority.

Reason: To take account of and to enhance the habitat for a protected species.

5 Development shall not begin until details of foul and surface water drainage works including outfall structures, pumping station and the level control weirs have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and visual appearance of the development.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the ecological value of the site, landscaping, drainage and provision of recreational areas. As such the proposal complies with the National Planning Policy Framework and policies GP9, GP15a, NE1, NE2, NE6, NE7 and L1d of the City of York Development Control Local Plan.

#### **Contact details:**

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