



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), Crisp, D'Agorne, Firth, Funnell, Galvin, Horton, Hudson, Jamieson-Ball, Moore, Pierce, Potter (Vice-Chair), Reid, Simpson-Laing, Vassie and Wiseman

Date: Thursday, 26 March 2009

Time: 4.30 pm

Venue: The Guildhall, York

There will be no site visits for this meeting

AGENDA

1. **Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 3 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on 25 February 2009.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

This item invites Members to determine the following planning application:

a) **Proposed University Campus Lying between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (09/00165/REM)** (Pages 13 - 24)

Erection of a biomass boiler, 2 no. gas oil boilers and associated fuel tanks, fence enclosure, access and landscaping [*Heslington Ward*]

5. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Jill Pickering

Contact Details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
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- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	25 FEBRUARY 2009
PRESENT	COUNCILLORS R WATSON (CHAIR), CRISP, FUNNELL, GALVIN, HORTON, MOORE, PIERCE, REID, SIMPSON-LAING, KING (SUB FOR CLLR POTTER), MORLEY (SUB FOR CLLR FIRTH), GILLIES (SUB FOR CLLR WISEMAN) AND TAYLOR (SUB FOR CLLR D'AGORNE)
APOLOGIES	COUNCILLORS D'AGORNE, FIRTH, JAMIESON-BALL, POTTER, VASSIE AND WISEMAN

49. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor R Watson declared a personal non-prejudicial interest in Plans item 4a (Land Lying to the South of Huntington Stadium and Waterworld, Jockey Lane, Huntington, York) as his business partner lived adjacent to the site.

Councillor Pierce declared a personal non-prejudicial interest in Plans item 4b (Proposed University Campus lying between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York) as a member of the Heslington East Community Forum and former member of staff and student of the University.

Councillor Morley declared a personal non-prejudicial interest in Plans item 4b (Proposed University Campus lying between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York) as a member of the Heslington East Community Forum.

50. MINUTES

RESOLVED: That the minutes of the last meeting of the Committee held on 21 January 2009 be approved and signed by the Chair as a correct record.

51. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general issues within the remit of the Committee.

52. PLANS LIST

Members considered reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant planning considerations and setting out the views and advice of consultees and officers.

52a Land Lying to the South of Huntington Stadium and Waterworld, Jockey Lane, Huntington, York (08/02623/FULM)

Consideration was given to a major full application, submitted by HSBC Bank Plc and Oakgate (Monk's Cross) Ltd, for the development of a global banking data centre with ancillary power supply, substations and offices with associated access, parking, fencing, landscaping and ecology habitat (revised and additional information received).

Officers circulated an update, which included the following points together with site plans, proposed elevations and a comparative sketch in relation to building heights:

- Clarification that the most southern area of the application site was allocated as Green Belt and Recreation Opportunity Area in the Draft Local Plan. This application therefore constituted a departure from the Plan and if approval were granted this would require reference to the Secretary of State;
- Environment, Conservation and Sustainable Development confirmed no objections as extensive landscaping proposed and the building materials were acceptable;
- Natural England were happy with the use of PV cells as part of the energy strategy and had no further concerns in relation to encroachment of car parking in the Green Belt;
- Highways Agency confirmed that the Travel Plan was acceptable subject to the Council securing its implementation and a condition restricting the use of the building to a data centre;
- York Natural Environment Panel supported what they felt was a worthwhile positive scheme with an enthusiasm for community involvement;
- Following a query raised by the Committee on site it was confirmed that the proposal did provide an amenity area for employees to the western boundary adjacent to the security lodge;
- The applicant had confirmed in the Energy Statement that the potential export of the waste heat to the Waterworld swimming facility would save approximately 1,000,000 kilo watt hours of energy per year with the proposed engineering design of the building saving 85 million kilo watt hours of per year when compared to a typical data centre;
- In answer to a query raised at the site visit it was confirmed that the revised Sustainability Statement accompanying the application confirmed that a rainwater harvesting system was proposed. The water harvested would be used for the toilets and irrigation of the surrounding landscape;

- Officers clarified that the potential waste heat transfer to Waterworld would be secured by the applicant entering into a Section 106 agreement to carry out a feasibility study to seek whether the waste heat transfer was feasible/viable;
- Amendments were required to the following conditions listed in the report – 5, 12, 14, 18, 27, 28, and 33 following receipt of additional information and to cover a number of outstanding points;
- Deletion of Conditions 13 and 21 as part of these conditions had already been carried out by the applicant and had been covered in other conditions;
- The addition of a conditions relating to the proposed materials and the requirement of samples;
- Additional condition requiring details of the paladin fencing colour;
- Additional condition specifying the height of the proposed building;
- Additional condition restricting the use of the building as a data centre;
- Additional informatives in relation to the removal of hazardous waste, surface water disposal, issues relating to the installation of a Ground Source Heat Pump and oils, fuels and chemical storage above and below ground on the site.

Representations in support of the application were received from the applicants planning consultant. He referred to the economic benefits the scheme would provide both during construction and when operational. It was predicted that during construction the scheme would generate 2000 jobs of which the majority would be from locally sourced employment with a commitment to training and skills development. He stated that two fibre optic cable links were to be provided, which would have spare capacity for local businesses to gain access to the latest network technology. He also confirmed that HSBC were arranging for an independent feasibility study to be undertaken of the potential transfer of waste heat from the site to the adjacent Waterworld swimming facility. He told Members that this was an innovative scheme incorporating world-leading technology, which it was hoped would be an exemplar for future developments.

The Local Member referred to the consultation undertaken by the applicant and officers with New Earswick and Huntington Parish Councils and the Ward Committee from which strong support had been expressed for the proposals. She referred to the short and long term employment creation that would be gained. This would be locally both in IT and construction, which she hoped, would result in a skilled workforce that would be available following the recession. She stated that a low number of vehicle movements which would be required owing to the sites close proximity to the Park and Ride and the provision of cycle parking. She also supported the educational opportunities for local school children with access to the site.

Members expressed their support for the scheme and made the following comments:

- Alternative proposals if the transfer of waste heat to Waterworld was not proved to be feasible;

- If the transfer of waste was successful would the cooling towers still be necessary?
- Would there be alternative uses for the waste heat?
- Request for the landscaping condition to refer to 'native species';
- Concern regarding the future upkeep of a small area of land situated at the southern corner of the application site;
- Flooding problems on certain parts of the site.

In answer to Members questions the applicants, their consultants and Officers confirmed the following:

- If it was not found feasible to transfer waste heat from the site then the applicants would undertake further discussions with Officers to consider other options to ensure that the policy on renewable technologies was complied with;
- The original landscaping condition did specify 'native species';
- The amount of heat produced on site would still necessitate the use of cooling towers in addition to any transferred elsewhere;
- There were limitations on the distance waste heat could be transferred before it cooled;
- A Management Plan would cover the upkeep and maintenance of the whole site;
- Confirmation from the applicant that they had the opportunity to purchase the small portion of land situated at the southern corner of the site to ensure its upkeep;

Members expressed their support and congratulated the applicants on their proposals for the site, which they felt was a well, thought out and researched application bringing much needed employment to the city.

RESOLVED: That approval be granted subject to a Section 106 agreement, reference to the Secretary of State and the conditions listed in the report, with the exception of Conditions 13 and 21, and the following amended and additional conditions:

Amended Condition 5: Development shall not begin until details of foul and surface water drainage works and a programme for implementation have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Amended Condition 12: Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Details of how the scheme shall be maintained and managed after completion

- Details of the location and volume of the onsite surface water storage, balancing ponds and oversized pipe network.
- Surface water run off rates from the site should not exceed 1.4 l/s/ha.
- be no increase in run off rates into local watercourses and works should not increase flood risk on Jockey Lane.
- Finished floor levels should be set a minimum of 300mm above site level or the 1 in 500 year flood level of the drainage pond, whichever is higher.

Amended Condition 14: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and no further development be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Amended Condition 18: The Diesel Rotary Uninterrupted Power Supply DRUPS units should only be operated in Diesel mode during the hours of 08:00 to 18:00 (Monday to Friday), unless required for emergency purposes and/or in the event of a power failure.

Amended Condition 27: The site shall hereafter be occupied in accordance with the aims measures and outcomes of a Travel Plan, which has been agreed in writing by the Local Planning Authority. The aforementioned Travel Plan and subsequent revisions shall be based upon the submitted document ref: Travel Plan Rev D dated 18 February 2009 or subsequent changes as agreed in writing by the Local Planning Authority

Amended Condition 28: No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, density (spacing), stock size, and position of trees, shrubs and other plants; means of supports and rabbit protection; grassland seeding mix, sowing rate and initial mowing regimes during establishment where applicable. This scheme shall be implemented within the next available planting season on the completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Amended Condition 33: Details of external security measures to be incorporated into the development shall be submitted to and be approved in writing by the Local Planning Authority and the measures shall be carried out in compliance with the approved details.

ADDITIONAL CONDITIONS:

1. Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the

development. The development shall be carried out using the approved materials.

2. No development shall commence until the details of the colour of the paladin fencing hereby approved has been submitted to and approved by the Local Planning Authority. The scheme shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority

3. Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 13 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

4. The premises shall be used as a data centre for the electronic storage and processing of product data, with ancillary offices, and for no other purpose, including any other purpose in Class B1(a) in the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

ADDITIONAL INFORMATIVES:

4. The waste assessment chapter of the environmental statement refers to the removal of hazardous waste (asbestos) from site during the construction phase. It is stated that this waste will be taken to Alne Brickworks Landfill Site. It should be noted that this site does not hold the relevant environmental permit to receive this waste type. Alternative disposal options should be investigated.

5. Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Further information on SUDS can be found in:

- PPS25 Annex F
- the PPS25 Practice Guide
- the CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales

- the CIRIA C697 document SUDS manual
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS.

The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk

6. The Environmental Statement refers to the potential for the use of a Ground Source Heat Pump. Below are the key issues that will need to be addressed in order to protect controlled waters:

- Risk of the pipes or borehole(s) creating undesirable connections between rock or soil layers. This may cause pollution and/or changes in groundwater flow and/or quality.
- Undesirable/unsustainable temperature changes in the aquifer or dependant surface waters.
- Pollution of water from leaks of polluting chemicals contained in closed loop systems.
- Pollution of water from heat pump discharge from an open loop system that contains additive chemicals.
- Impacts of re-injection of water from an open loop system into the same aquifer, both hydraulic and thermal, as well as any water quality changes induced.
- The potential impact of groundwater abstraction for ground source heat systems on other users of groundwater or surface water.

Please note that other Groundwater Source Heat Pumps in the vicinity have experienced hydrochemical issues.

7. Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

8. Underground chemical, oil or fuel storage tanks should be constructed of material resistant to attack by the substance stored therein and protected against corrosion. The tank vent pipe should be taken to a sufficient height to prevent an overflow taking place in the event of the tank being overfilled. This type of tank should be filled from the delivery tanker by gravity only.

REASON: In the opinion of the Local Planning Authority the proposal, having taken the environmental information into consideration, subject to the conditions listed, would not cause undue harm to interests of

acknowledged importance, with particular reference to issues surrounding socio-economic, visual and residential amenity, noise, air quality, land contamination, highway/pedestrian safety, sustainability, ecology and crime prevention. As such the proposal complies with Policies YH9, Y1, ENV5, E1, E3, E4, E5, T1, T2 and T3 of the Regional Spatial Strategy (RSS), Policies E1a, GP1, GP3, GP4a, GP4b, GP6, GP7, GP9, GP11, GP13, GP15a, NE1, NE2, NE3, NE6, NE7, T4, T13a and T18 of the City of York Local Plan Deposit Draft incorporating the 4th set of changes and Government Guidance contained in PPS1, PPG2, PPG4, PPS9, PPG13, PPS22, PPS23, PPG24 and PPS25.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SS

52b Proposed University Campus Lying Between Field Lane, Common Lane, A64 Trunk Road and Hull Road, York (08/02043/REMM)

Members considered a major reserved matters application, submitted by the University of York, for the construction of a car park and bus interchange with associated footpaths, cycleways and landscaping.

Officers circulated a sheet, which set out details of draft conditions to replace Conditions 1 and 8 in the Committee report. The replacement conditions covered the receipt of revised plans. Officers also referred to an amendment required to the report on page 45, paragraph 1.1 which referred to a car park for 132 cars for the new campus, which should read 126 cars.

Representations in support of the application were received from the applicant's agent who confirmed that this application was part of the transport strategy for both University campuses. She explained that there was to be a peripheral car park strategy with no localised parking. The car parks would be barrier controlled with a strict access policy together with promotion of non car initiatives. There would be an extensive pedestrian/cycling network with bus shelters, seating and timetabling information at the interchange. She also confirmed that the No 4 bus service would turn at the new interchange rather than at Heslington Hall and that two additional services, No 6 and 10 would also use the site.

In answer to Members concerns in relation to users of the car park, the agent confirmed that staff from Cluster 1 would use this but that, in the longer term, it would be solely used by visitors to the University. They also referred to the rolling out of a sequential programme for the issue of car park permits and to initiatives that the University were to undertake to reduce car park use. They also confirmed that the original University approval had conditioned that lighting on the site would be dark sky compliant.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following amended conditions:

Amended Condition 1: The development hereby permitted shall be carried out only in accordance with the following plans:- 30080-3-P-101/D, DD110317.L.301/L, DD110317.P.302A/E, DD110317.P.302C/B, DD110317.P.302D/D and DD110317.L.303 and any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Amended Condition 8: The landscaping scheme shown on the approved plans shall be implemented by the end of the next planting season following substantive completion of the development. Any trees or plants which within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) are subject to local authority approval within and beyond this five year period.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the use, landscaping, sustainable transport and drainage. As such the proposal complies with Policies GP4a, GP9, GP15A, ED9 and T4 of the City of York Local Plan Deposit Draft.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales.

SS

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 5.25 pm].

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Heslington
Date: 26 March 2009 **Parish:** Heslington Parish Council

Reference: 09/00165/REM
Application at: Proposed University Campus Lying Between Field Lane And Common Lane A64 Trunk Road And Hull Road York
For: Erection of a biomass boiler, 2no. gas oil boilers and associated fuel tanks, fence enclosure, access and landscaping
By: University Of York
Application Type: Approval of Reserved Matters
Target Date: 25 March 2009

1.0 PROPOSAL

1.1

A number of Reserved Matters Approvals have been given for the buildings comprising Cluster 1, pursuant to the grant of Outline Planning Permission 04/01700/OUT. Each of the permissions itemised below contained conditions relating to the requirement that 10% of the energy demands of the buildings came from renewable sources:

08/00032/REM Goodricke College (600 bed student accommodation); condition 14;

08/01751/REM TFTV ; condition 8;

08/02446/REM Computer Science Building; condition 8;

08/02573/REM Law and Management ; condition 8;

08/02572/REM The Hub Building; condition 7.

1.2

In granting permission for the TFTV building the University prepared via Arups, a Renewable Energy Strategy for Cluster 1. This is appendix 5 within the documentation comprising the current planning application. The conclusion to that document is that using ECON54 standards (which appears to be the most relevant to academic buildings) the above buildings would generate an estimated annual energy consumption of 9,394,917 KW hours per annum. 10% of this is 939,492 KW hours per annum. The conclusion to the strategy is that this demand can be met by the installation of a Biomass Boiler in Cluster One. This would provide an immediate solution to meeting the requirements of the above conditions, but the infrastructure used now will enable the buildings to be fed from a centralised energy centre (proposed to be a refurbishment and upgrade of the existing facility at Heslington West).

1.3

The current proposal comprises the erection of a 250KW Woodchip Biomass Boiler and Dual Container Wood Chip Store, a containerised 1000KW Gas Oil Boiler back

up system with five days fuel storage, together with provision for additional 1000KW generating capacity with associated fuel store and a containerised site pump and ancillaries. It would be located to the north-east of the other Cluster 1 buildings in close proximity to Kimberlow Hill. The applicant has confirmed that the "back up" energy system would be utilised with Gas Oil and not Waste Vegetable Oil which would be subject to a different environmental regulatory regime.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYED9
University of York New Campus

CYED10
Student Housing

CYGP4A
Sustainability

CYGP4B
Air Quality

CYGP5
Renewable energy

3.0 CONSULTATIONS

INTERNAL:-

3.1 Highway Network Management raise no objection to the proposal.

3.2 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to reserve details of the final appliance, noise mitigation measures, ash and smoke mitigation measures and method of fuel delivery for further approval.

3.3 Urban Design, Conservation and Sustainable Development raise no objection to the proposal subject to the submitted landscape drawings being referenced in the decision notice and any permission being conditioned to restrict the source area for the biomass fuel. It is felt that the principal issues in relation to sustainability have been adequately addressed and that the University's requirement for generating at least 10% of its energy requirements by renewable means would be adequately provided for.

3.4 The City's Drainage Engineering Consultancy raise no objection to the proposal subject to the details of the site drainage being reserved by condition for further approval.

EXTERNAL:-

3.5 Osbaldwick Parish Council wish to make no comments in respect of the proposal.

3.6 The Environment Agency raise no objections to the proposal.

3.7 The Ouse and Derwent Internal Drainage Board raise no objection to the proposal subject to any permission being conditioned linking implementation to the completion of the proposed retention lakes channelling water into Germany Beck at a controlled rate.

3.8 York Natural Environment Panel request that the application be withdrawn and substituted with a development incorporating an anaerobic digester that would ferment raw sewage to create a gas suitable for burning off to create energy.

3.9 Three letters of representation from local residents have been received in respect of the proposal. The first supports the principle of the development but expresses concern in respect of the proposed gas/oil back up boilers, which in his opinion are superfluous and should be refused. The monitoring of energy use by the University is also requested together with a short temporary permission for the proposal to encourage the University to establish a more permanent solution to its energy needs. The second objects to the proposal, which it is felt, would leave the University free to burn a wide range of waste materials causing pollution and annoyance to local residents over a wide area. The scale of the proposal is also challenged on the grounds that it is inconsistent with the intentions of the original Outline Permission. If approval is given a condition restricting the proposed fuel to waste wood only is strongly recommended. The third objects to the proposal on the grounds that the burning of waste vegetable oil in relatively close proximity to a residential area would give rise to unacceptably high levels of pollution and attendant health risks and should have been the subject of a full Environmental Impact Assessment.

4.0 APPRAISAL

4.1 DETAILED POLICY CONTEXT:

PPS 10 Planning for Sustainable Waste Management in Annex C defines a waste hierarchy with explicit encouragement being given to the re-use of waste materials including waste wood and energy recovery from waste materials including waste wood product usage as a biomass fuel. This is directly relevant in consideration of the current proposal.

PPS 22 Renewable Energy gives explicit encouragement to the use of small scale renewable energy projects including biomass heating as part of larger development

schemes such as the York University expansion. Locational and other development control criteria are addressed and in relation to biomass schemes the need to secure fuel as locally as possible is specifically highlighted. Again this is directly relevant in considering the current proposal.

Policy Y1 of the Yorkshire and Humber Regional Spatial Strategy establishes the expansion of York University as a major development priority and so is relevant to the consideration of the current proposal.

Policies GP4a) and GP5 of the York Development Control Local Plan set out a clear requirement for and policy context for the use of renewable energy as part and parcel of major development projects and are particularly relevant in the consideration of this proposal.

Policies ED9 and ED10 of the York Development Control Local Plan set a clear policy framework for the expansion of the University and give a detailed context for the current proposal.

4.2 KEY CONSIDERATIONS:-

- Potential impact of the proposal on the residential amenity of nearby properties in terms of the potential for the emission of ash, other pollutants and bad smells;
- Suitability of the proposed boiler to provide the Authority's requirement for the generation of a minimum of 10% of the University development's energy needs;
- Securing the sustainable sourcing of biomass fuel in the locality;
- Ensuring the safe and efficient drainage of the application site and its surroundings;
- Requirement for the proposal.

4.3 POTENTIAL RESIDENTIAL AMENITY IMPACTS:-

Policy GP4b) of the York Development Control Local Plan sets a firm policy framework for examining proposals likely to have an impact upon air quality in the surrounding area. This links closely with Central Government advice outlined in PPS 10 "Planning for Sustainable Waste Management" and PPS 23 "Planning and Pollution Control". The proposal envisages the installation of a 250KW Woodchip Biomass Boiler including a 7 metre high stack with a maximum 0.3 metre diameter, with a 1000KW Gas/Oil Boiler as a back up supply. The nearest residential property is approximately 325 metres away to the north west. The City's Environmental Protection Unit have confirmed that the proposed installation as outlined in the application would not have an adverse impact upon air quality in the area. In view of the size of plant and distance from residential property there would not be a material impact upon residential amenity, a factor that would be reinforced by a series of robust conditions covering items such as fuel storage, ash disposal and the final plant specification being appended to any permission. Furthermore the submitted scheme falls below the threshold in terms of its scale for requiring a separate Environmental Permit in relation to its emissions. In relation to the "back-up" gas/oil system the applicant has confirmed that it is not their intention to use waste

vegetable oil or any other waste product as a fuel source thereby removing any adverse environmental impact from that area.

4.4 ALTERNATIVE MEANS OF GENERATING ON SITE RENEWABLE ENERGY:-

Policy GP4a) of the York Development Control Local Plan sets a firm policy framework requiring the adoption of sustainable principles in the design and construction of new development with indicative thresholds depending upon the development size. Criteria h) of Policy GP4a) further sets a requirement to maximise the use of renewable energy sources on development sites and Policy GP5 of the York Development Control Local Plan encourages new renewable energy projects providing they would not give rise to adverse environmental impacts. The City's Interim Policy Statement on Sustainable Construction sets a threshold for large scale commercial developments such as the scheme that the current proposal is part of to generate a minimum of 10% of their energy needs from renewable sources on site. As part and parcel of the overall development scheme the applicant has developed a site wide Renewable Energy Strategy and associated with this an exercise has been undertaken to explore alternative means of renewable generation. This identified the current scheme together with wind generation as the most appropriate means of renewable energy generation to fulfil the site's needs. Wind generation has been discounted as being too complex in terms of its long term financial viability and the likely difficulties of securing planning permission for a suitable scheme. The York Natural Environment Panel suggests that an anaerobic digestion system would be more appropriate as a means of providing the required proportion of renewable energy dealing in parallel with both the need to deal with sewage disposal and the need to provide renewable energy generation capacity in parallel. However PPS 22 Renewable Energy (2004) highlights the significance of odour issues in relation to anaerobic systems and the likelihood that they would be inappropriate in close proximity to residential areas. The closest residential properties currently are over 300 metres away, however they lie in a location downwind of the application site making them particularly vulnerable to any problem of odour nuisance. Any odour impact upon the student residences presently under construction at Goodricke College would be heightened by their closer proximity to the site. The current dry biomass proposal is considered the most appropriate as the fuel is seen as broadly carbon neutral in terms of its energy inputs, the fuel source is relatively easily available in the locality as a by-product of other processes, the process is relatively versatile being able to be used for electricity or direct heat generation and the direct combustion process carries fewer environmental risks in terms of emissions.

4.5 SOURCING OF BIOMASS FUEL:-

The sourcing and storage of biomass fuel is a highly significant issue in dealing with any scheme. For biomass to be a truly sustainable renewable source the fuel needs to be sourced within the direct locality. The Technical Annex to PPS 22 (Planning for Renewable Energy) identifies ideal maximum travel distances from source to plant of 40km or 25km depending upon the scale of the project. In the present case there are available fuel sources within both zones. The ability to restrict the type and source of biomass fuel by condition has been established elsewhere and it is suggested that any permission be conditioned to restrict the sourcing of biomass fuel to a 25km radius of the proposed plant, securing it as both a sustainable and a renewable operation.

4.6 DRAINAGE OF THE APPLICATION SITE:-

The proposal forms part of the wider development of Cluster 1 of the Heslington East campus. This is to be drained via a series of open swales into attenuation lakes, which will gradually discharge into Germany Beck. Any oil or contaminant discharges would be passed through separators prior to surface water being discharged to the main lake. The main lake to the south of Cluster 1 is being designed as a complete attenuation system equivalent to green runoff rates. On balance it is felt that the use of an open swale system would provide increased attenuation when compared to a traditional piped system. It is suggested that the details of the sustainable drainage system together with the details of the oil and contaminant separation system be reserved by condition for further approval.

4.7 REQUIREMENT FOR THE PROPOSAL:-

Policies ED9 and ED10 of the York Development Control Local Plan set a firm policy framework for the expansion of the University incorporating student housing on a phased basis. This was given effect by the Secretary of State for Communities and Local Government's decision in respect of outline application 04/01700/OUT, which the current proposal relates to. This finds further echo in Policy Y1 of the Yorkshire and Humber Regional Spatial Strategy, which establishes the expansion of York University as a major policy priority. Over and above the requirement of the IPS covering Sustainable Construction for a minimum of the campus's energy to come from renewable sources, the University has through ARUP Consulting developed a global renewable energy strategy setting a target of a 10% reduction in CO2 emissions below 2004/2005 levels by 2009/2010. A long term strategy of refurbishing the existing University Combined Heat and Power (CHP) plant to accommodate a mix of renewable and sustainable energy technologies including biomass and anaerobic digestion of waste. This will take a period of five to ten years to implement and so will not be available to serve the energy needs of Cluster 1, which is currently under construction. Furthermore the permissions for the Theatre, Film and Television (ref:08/01751/REM) and Computer Science Buildings (ref:08/02446/REM) required that works be carried out to ensure that a minimum of 10% of their energy demand be met from renewable sources prior to their first occupation. The current proposal has been devised as an interim measure to enable the Cluster 1 complex to come on stream whilst work on the Central Energy Centre is drawn up and progressed.

5.0 CONCLUSION

5.1

The proposal comprises the erection of a biomass boiler with a maximum output capacity of 250kW capable of generating approximately 9,500,000kWh of renewable energy per year, at least 10% of the energy needs of Cluster One of the Heslington East Campus. This enables the development scheme as a whole to comply with the City's IPS on Sustainable Construction, the University's own Renewable Energy Strategy and the planning conditions pertaining to the buildings of Cluster One currently in the process of erection. The boiler would generate hot water to supplement the capacity of the existing district heating system and the existing CHP plant at Heslington West complex. It is required for a temporary period of approximately 10 years to allow sufficient time for the capacity of the University's Central Energy Centre to be upgraded sufficiently. The proposed boiler would be

modest in scale with a chimney of 4.1 metres high and a back-up system using gas/oil boilers would also be provided. Subject to conditions covering the sourcing of the biomass fuel in relation to sustainability, the technical specification of the biomass system in relation to emissions and the fuel for the back up system in relation to impact upon residential amenity, then the scheme is acceptable in planning terms and approval is therefore recommended.

6.0 RECOMMENDATION: Approve

1 The building shall be removed by 25th March 2019 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

U-969-EX03 Dated Jan2007, DD110317.L.3021 Dated Jan 2009 , U-969-DO1 Dated Dec 2008, UE-SK-001(RevB) Dated Mar 2009, UE-SK002 Dated Nov 2008, UE-SK-003 Dated Nov 2008, UE-SK-004 Dated Nov 2008, UE-SK-005 Dated Nov 2008, UE-SK-006 Dated Nov 2009, 30080-P-316 Dated Dec 2008, 30080-P-315 Dated Dec 2008 and DD110317.P.302B Dated Jan 2009.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

4 Full details of the biomass boiler to be installed in the proposed premises including maximum power output and the proposed noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (LA_{max}(f)) and average (LA_{eq}) sound levels (A weighted), and octave band noise levels they produce. The biomass boiler shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The biomass boiler and any approved noise mitigation measures shall be appropriately maintained thereafter.

Reason: To protect the amenity of occupiers of nearby buildings.

5 Prior to the development hereby approved being first brought into use, details of the method of ash disposal, to incorporate fully enclosed receptacles, shall be

submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent loss of amenity due to dust emissions.

6 Prior to the development hereby approved being first brought into use, the method of fuel/chip delivery, to incorporate sheeting and fully enclosed receptacles to minimise spillages and fugitive emissions in all weather conditions shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent loss of amenity due to dust emissions.

7 There shall be no visible smoke emissions from the boiler flue during normal operation of the plant except during the start up procedures, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent the loss of amenity from smoke.

8 Once approved the biomass burner shall be installed, operated, cleaned, maintained and serviced in accordance with the manufacturer's instructions.

Reason: To prevent the loss of amenity from smoke and to prevent loss of amenity due to dust emissions.

9 The Back-Up boilers hereby authorised shall be used solely for the burning of gas/oil and shall not be used for the burning of waste vegetable oil or any other waste product.

Reason: To safeguard the amenity of occupiers of neighbouring buildings.

10 The fuel used to power the biomass boiler hereby authorised shall arise or be produced only within a 25km radius of the site.

Reason: To secure compliance with Policies GP4a) and GP5 of the York Development Control Local Plan

11 Development shall not begin until details of foul and surface water drainage works 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.

12 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to

the capacity of the largest tank or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

13 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

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 impact of the proposal on residential amenity, securing sustainable sourcing of the biomass fuel, suitability of the plant to secure the requirement for 10% of the energy needs of the site to come from renewable sources, ensuring the safe and efficient drainage of the site and the general requirement for the proposal. As such the proposal complies with ****IN of Policies ED9, ED10, GP4a), GP4b) and GP5 of the City of York Local Plan Deposit Draft.

2. i) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228:Part1:1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the Code entitled "Control of Noise and Vibration".

iii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with manufacturers instructions.

iv) The best practicable means as defined by Section 72 of the Control of Pollution

Act 1974, shall be employed at all times in order to minimise noise emissions.

v) All reasonable measures shall be employed in order to control and minimise dust emissions including sheeting of vehicles and use of water for dust suppression.

vi) There shall be no bonfires on site.

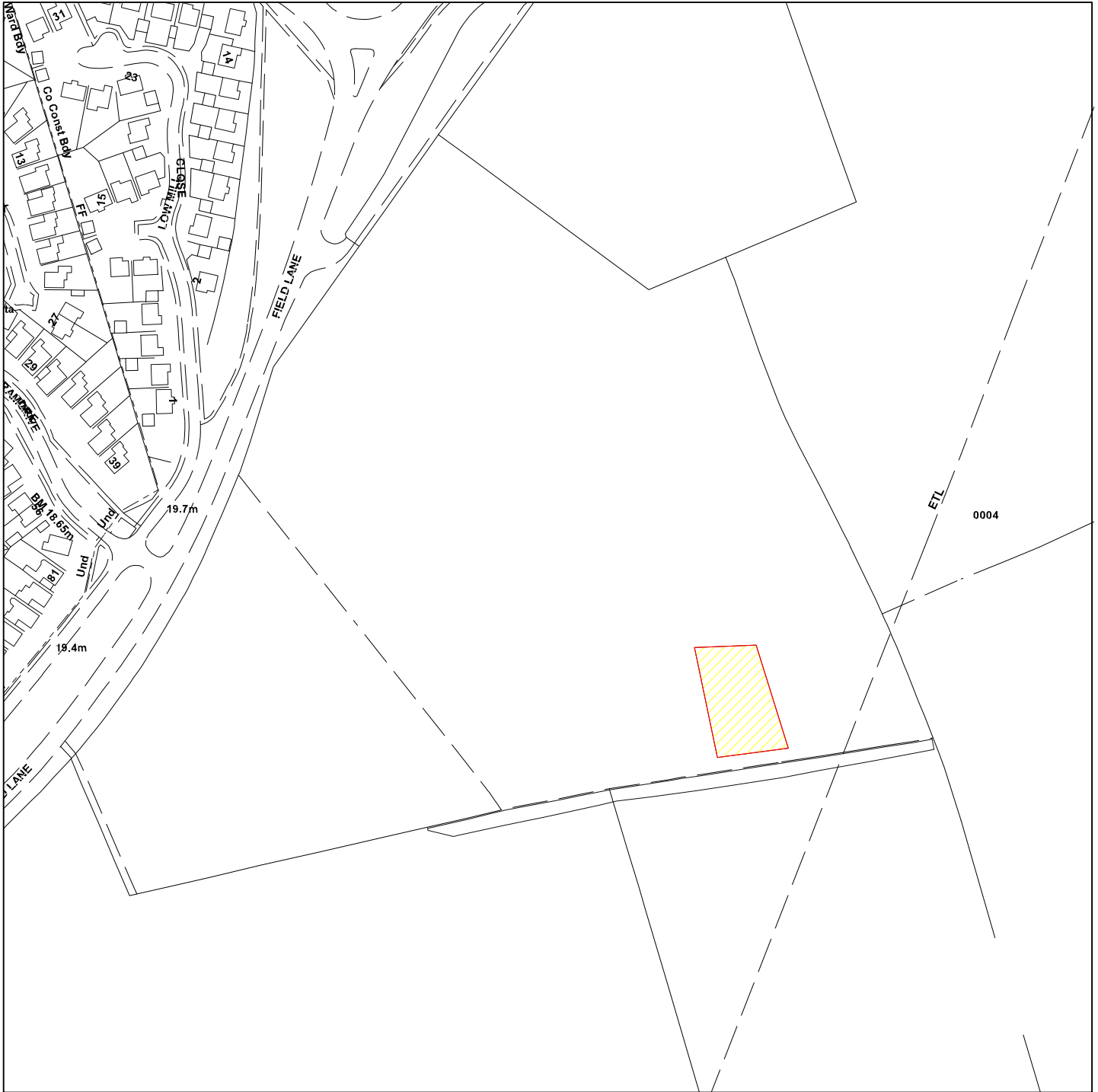
Contact details:

Author: Erik Matthews Development Control Officer

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Proposed University Campus, off Field Lane

09/00165/REM



Scale : 1:2500

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	Application Site
Date	18 March 2009
SLA Number	Not Set

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