



## Notice of meeting of

### Planning Committee

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

**Date:** Thursday, 29 October 2009

**Time:** 4.30 pm

**Venue:** The Guildhall, York

Members who are attending the visit to the **Heslington East campus** on **Thursday 29 October** and are travelling by bus are asked to meet at the Memorial Gardens at 1.30pm

### 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 - 22)

To approve and sign the minutes of meetings of the Planning Committee held on 23 July and 24 September 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 **5.00pm** on **Wednesday 28 October 2009**. 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 between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (09/01574/REMM)**  
(Pages 23 - 32)

Landscaping to Kimberlow Hill, Central Lake and eastern mounding of Heslington East Campus [*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](mailto: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
- Any special arrangements
- Copies of reports

Contact details are set out above.

## About City of York Council Meetings

### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

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MEETING	PLANNING COMMITTEE
DATE	23 JULY 2009
PRESENT	COUNCILLORS R WATSON (CHAIR), D'AGORNE, FIRTH, FUNNELL, HORTON, HYMAN, MOORE, MORLEY, PIERCE, POTTER (VICE-CHAIR), REID, SIMPSON-LAING, B WATSON, WISEMAN AND GILLIES (SUBSTITUTE)
APOLOGIES	COUNCILLORS HUDSON AND JAMIESON-BALL

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## 5. 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.

The following interests were declared:

- Cllr D'Agorne – a personal interest in agenda item 4a (Plans List – 24 Heworth Green), as the City of York Cycling Champion.
- Cllr Morley – a personal interest in agenda item 4a, as the Executive Member for Housing and Social Services.

## 6. MINUTES

RESOLVED: That the minutes of the last meeting of the Planning Committee, held on 25 June 2009, be approved and signed by the Chair as a correct record.

## 7. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

## 8. PLANS LIST

Members considered a report of the Assistant Director (Planning and Sustainable Development) relating to the planning application set out at Minute 8a) below. The report outlined the proposals and relevant planning considerations and set out the view and advice of consultees and Officers on the application.

**8a 24 Heworth Green**

Consideration was given to an application submitted by National Grid to vary conditions 4 and 16 of application no. 06/02764/FUL (mixed use scheme for residential development and offices), to allow a reduction of building heights and to enable the accommodation schedule to be amended from 141 one-bedroom flats, 141 two-bedroom flats, 12 three-bedroom town houses and 12 four-bedroom town houses to a maximum of 12 two-bedroom apartments, 6 two-bedroom houses, 60 three-bedroom houses and 41 four-bedroom houses, unless otherwise agreed in writing by the Local Planning Authority.

Officers circulated the following additional information at the meeting:

- An update outlining the revisions made, and new conditions added, to the original outline consent, and informing Members of a proposed amendment to condition 43 on page 41 of the report and of two additional informatives recommended by the Environmental Protection Team.
- An indicative plan of the site layout, produced for illustrative purposes only.

Representations were made at the meeting by the applicant's agent, who explained that the reason for the application was to respond to a change in housing demand in the City by providing family housing rather than apartments.

During questions and debate on the application, Members welcomed the change from apartments to family housing. They discussed and received advice on issues around land contamination, the location of the recreation and play areas, the Section 106 agreement, the incorporation of 'Secured by Design' principles and the involvement of ward members and local residents in the consultation process. It was noted that these were all points that should be dealt with as part of the reserved matters application.

RESOLVED: That the application be approved subject to the conditions detailed in the report and the following amended condition and additional informatives: <sup>1</sup>

Amended Condition 43:

The development hereby approved, **exclusive of site clearance, remediation and demolition**, shall not commence until such time as the gas holder is decommissioned and removed from the site.

Reason: To ensure that the gas holder is decommissioned at the appropriate stage in the development process, thereby eliminating and potential health and safety risk this development might pose to the general public and to allow site clearance, remediation and demolition to be carried out prior to the decommissioning and removal of the gas holder, if deemed necessary.

Additional Informative A

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the Council may consider taking action under Part IIA of the Environmental Protection Act 1990.

Additional Informative B

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval; failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- i) The work shall be carried out in such a manner as to comply with the general recommendations of British Standards BS 5228: Part 1: 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".
- ii) 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.
- iii) 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.
- iv) 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.
- v) There shall be no bonfires on the site.

REASON:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above and in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of mixed use development, affordable housing, land contamination, air quality, noise, dust

and odours, highways and traffic considerations, design issues, the effect on the conservation area, archaeology, residential amenity, ecology, sustainability, open space provision, flood risk and drainage, telecommunications and utilities. As such the proposal complies with Policies YH4, Y1, ENV9, ENV12, H4 and H5 of the Regional Spatial Strategy (RSS) for Yorkshire and the Humber (2008) and Policies GP1, GP3, GP4A, GP4B, GP5, GP6, GP7, GP9, GP13, GP15, NE1, NE3, NE6, NE7, HE2, HE3, HE10, HE11, T2A, T2B, T4, T5, T7C, T13A, T20, H2A, H3C, H4A, H5A, E3B, E4, ED4, L1C, SP3, SP7A and SP8 of the City of York Local Plan Deposit Draft (2005). The proposal would also comply with advice in PPS1, PPS Supplement, PPS3, PPG4, PPS9, PPG13, PPG15, PPG16, PPG17, PPS23, PPG24 and PPS25.

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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MEETING	PLANNING COMMITTEE
DATE	24 SEPTEMBER 2009
PRESENT	COUNCILLORS R WATSON (CHAIR), D'AGORNE, FIRTH, FUNNELL, HUDSON, HYMAN, JAMIESON-BALL, MOORE, MORLEY, PIERCE, POTTER (VICE-CHAIR), SIMPSON-LAING, B WATSON, WISEMAN, ORRELL (SUB FOR CLLR REID) AND KING (SUB FOR CLLR HORTON)
APOLOGIES	COUNCILLORS HORTON AND REID

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### 13. INSPECTION OF SITES

The following site was inspected before the meeting:

Site	Reason for Visit	Members Attended
Sim Hills, Tadcaster Road, Dringhouses, York (09/01313/FULM)	So that Members could gain an appreciation of the site's location in relation to the highway network, and of its current condition and appearance given that it is in the Green Belt and a potential SINC (Site of Interest for Nature Conservation).	Councillors D'Agorne, B Watson, R Watson and Wiseman.

### 14. DECLARATIONS OF INTEREST

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

Councillor Potter declared a personal non-prejudicial interest in Plans item 4a (Sim Hills, Tadcaster Road, Dringhouses, York) as a member of the York Access Work Sub Group.

Councillor Pierce declared a personal non-prejudicial interest in Plans item 4b (Proposed University Campus lying between Field Lane and Low 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 Jamieson-Ball declared a personal prejudicial interest in Plans item 4b (Proposed University Campus lying between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York) as he had spoken at the Planning Inquiry regarding the outline permission and he left the room and took no part in the discussion or voting thereon.

Councillor D'Agorne declared a personal non-prejudicial interest in Plans items 4a (Sim Hills, Tadcaster Road, Dringhouses, York) and 4b (Proposed University Campus lying between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York) as the Council's Cycling Champion and in agenda item 5 (Fulford Road Conservation Area Appraisal: Consultation Draft) as a Ward Councillor and a resident living near the Conservation Area.

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

Councillor Simpson-Laing declared a personal prejudicial interest in Agenda item 5 (Fulford Road Conservation Area Appraisal: Consultation Draft) as her parents and other relatives lived within and adjacent to the area covered by this draft appraisal and she left the room and took no part in the discussion or voting thereon.

Councillor Firth declared a personal non-prejudicial interest in Agenda item 5 (Fulford Road Conservation Area Appraisal: Consultation Draft) as he had served at the Imphal Barracks and was still associated with the mess.

**15. MINUTES**

RESOLVED: That the minutes of the last meeting of the Committee held on 27 August 2009 be approved as a correct record and be signed by the Chair.

**16. 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.

**17. 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 of consultees and officers.

**17a Sim Hills, Tadcaster Road, Dringhouses, York (09/01313/FULM)**

Consideration was given to a major full application, submitted by Mr Paul Thackray for the construction of a park and ride facility to create 1,250 vehicle car park space with associated access and passenger terminal building, wind turbine and open space.

Officers updated Members with the following points:

- The Yorkshire Wildlife Trust raised no objections to the proposal but sought reassurance that the drainage scheme would not impact upon the Askham Bog SSSI. They also hoped that the management of the new areas of habitat would be adequately funded and supported;
- The Environmental Protection Unit and the Environment Agency had now responded in detail to the proposal. They raised no objections to the development but they wished to see a number of additional conditions attached to any permission (it is recommended that Conditions 14 and 15 of the Committee report be replaced by the following five conditions):

1. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

b. Submission of Remediation Scheme

A 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 and historical environment must be prepared, 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 of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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 produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2. 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. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out

safely without unacceptable risks to workers, neighbours and other offsite receptors.

3. A monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the gas protection system and the provision of reports on the same, must be prepared and is subject to the approval in writing of the local planning authority. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4. Piling or any other foundation designs using penetrative methods shall 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 groundwater.

Reason: The protection of shallow groundwater, and the nearby Askham Bogs.

5. Development shall not begin until a surface water drainage scheme for the site, based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and 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 should include:

- i) Details of existing and proposed surface water run off rates.
- ii) Details of the proposed attenuation storage. The design should ensure that storm water resulting from a 1 in 100 year event although surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.
- iii) An additional 20% shall be included in any calculations to take into account climate change.
- iv) Details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure maintenance of the surface water drainage system.

- The Highways Agency had responded following receipt of further assurances relating to traffic modelling and subsequent operation of the roundabout, controlling of the combined cycle/footway crossing of the free left slip into the P&R site and minimisation of queuing to enter the P&R site at the barriers.

No objections were raised subject to inclusion of the following conditions:-

1. Prior to commencement of works on site, details of vehicular access arrangements, including barrier locations, shall be submitted to and agreed in writing by the Local Planning Authority after consultation with the Highways Agency.

Reason: In the interests of highway safety

2. Prior to commencement of works on site details of all proposed signage (including VMS) shall be submitted to and agreed in writing by the Local Planning Authority after consultation with the Highways Agency.

Reason: In the interest of highway safety.

An informative was also requested relating to modelling works on the operation of the barrier system.

- With regard to concerns expressed by Councillor Merrett, the scheme had been amended from that originally formulated to reduce the extent of the diversion of the pedestrian/cycleway from approximately 60 metres to around 10m. Further information had also been obtained in relation to the use of the left slip into the site, which suggested that 60 vehicles per hour would use this slip road, allowing sufficient opportunity for pedestrians and cyclists to cross the access. Also measures to control the speed of vehicles along this carriageway would be included.
- Condition 2 would require amendment to refer to the more up to date drawings 0797/AB/01 – 03 instead of Drawings 0863-01 – 03.
- The following plans were circulated:
  - General context plan
  - Treatment of the SINC area
  - Proposed layout
  - Elevation of the terminal building and waiting area
  - Elevations and details of the wind turbine
  - Details of the parking proposals and cycle lockers.

Officers reported that Councillor Merrett's comments in paragraph 3.14 of the report had not been reproduced in full as he had also raised concerns in relation to the cycle route access to the site. Officers confirmed that this point would be examined at the detailed design stage and that the applicant was aware of the need to incorporate a cycle safe crossing point with the necessary restrictions.

Representations in support of the application were made by the applicant's agent. She confirmed that a comprehensive assessment of potential sites and extensive consultation had been undertaken prior to making this application within the Green Belt. She pointed out that the provision of park and ride facilities were considered appropriate development with the Green Belt.

Officers reported that Councillor Reid had confirmed her support for the proposals as this had proved to be a popular scheme with residents and she made reference to community orchards and the possibility of introducing appropriate fruit trees on the site.

Members questioned and commented on the following points:

- Number and position of cycle lockers;
- Landscaping details and the need to retain a balance between screening and the openness of the site;
- Positioning of the disabled parking bays in relation to the terminal building;
- Commitment to collection and drop off point at existing terminus and the safety of pedestrians;
- Operation of the site barriers;
- Cycle route design in relation to access/slip road;
- Wind turbine and its possible distraction to drivers.

Officers confirmed that a number of these points would be taken into account at the detailed design stage of the scheme.

Members confirmed that they welcomed the scheme, which they felt had been sensitively designed and would prove to be an exemplar of sustainability and assist in reducing traffic in the centre of the city.

RESOLVED: That the application be approved subject to the conditions listed in the report, including the deletion of Conditions 14 and 15 and the following additional and amended conditions and informative: <sup>1</sup>.

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

Drawing Refs: CBHAEL500/01 Rev B,  
HE\_DEC08010353\_001, HE\_DEC08010353\_007A,

HE\_DEC08010353\_008, HE\_DEC08010353\_009,  
HE\_DEC08010353\_010, HE\_DEC08010353\_011,  
0797/AB/01, 0797/AB/02, 0797/AB/03 Date Stamped 7th July  
2009.

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

**Additional Conditions:**

20. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

b. Submission of Remediation Scheme

A 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 and historical environment must be prepared, 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 of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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 produced, and is subject to the approval in writing of the Local Planning Authority.

21. 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. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

22. A monitoring and maintenance scheme, to include monitoring the long-term effectiveness of the gas protection system and the provision of reports on the same, must be prepared and is subject to the approval in writing of the local planning authority. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

23. Piling or any other foundation designs using penetrative methods shall 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 groundwater.

24. Development shall not begin until a surface water drainage scheme for the site, based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and 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 should include:

- i) Details of existing and proposed surface water run off rates.
- ii) Details of the proposed attenuation storage. The design should ensure that storm water resulting from a 1 in 100 year event although surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.
- iii) An additional 20% shall be included in any calculations to take into account climate change.
- iv) Details of how the scheme shall be maintained and managed after completion.

25. Prior to commencement of works on site, details of vehicular access arrangements, including barrier locations, shall be submitted to and agreed in writing by the Local Planning Authority after consultation with the Highways Agency.

26. Prior to commencement of works on site details of all proposed signage (including VMS) shall be submitted to and agreed in writing by the Local Planning Authority after consultation with the Highways Agency.

**INFORMATIVE:**

The operation of the barriers will require modelling at the detailed design stage, the submission of this for approval by the Highways Agency as per condition 25. Consideration needs to be given at the detailed design stage as to contingencies in the event of barrier failure/human error prolonging the amount of time for a vehicle to clear the system. The closing arrangements on the entry slip will also require the Highways Agency's approval prior to implementation and first use of the site.

**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 impact of the

proposals on the open character and purposes of designation of the Green Belt, impact of the proposal upon the Askham Bog SSSI, the inclusion of a potential SINC within the development site, proposed hard and soft landscaping associated with the scheme, use of sustainability principles in the design of the scheme particularly in relation to the Terminal Building and associated wind turbine, treatment of possible land contamination within the site, design of the proposed surface water drainage system and design of the access to the site. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, GP3, GP4a), GP6, GP9, GP11, NE7, NE5a) T6 and GB1 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

Action Required

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

SS

**17b Proposed University Campus Lying between Field Lane and Low Lane, A64 Trunk Road and Hull Road, York (09/01472/REMM)**

Members considered a major reserved matters application, submitted by the University of York for the erection of a catalyst building along with access cycle parking and landscaping.

Officers confirmed that no comments had been received from Natural England or any additional comments from Highways. They also confirmed that details of the scheme for dealing with the temporary arrangements for surface water from Cluster 1 had still not been agreed with the applicants agent and that the update report, circulated at the meeting covered this point.

Copies of the following information was circulated at the meeting:

- Recommended revised conditions in relation to Conditions 2, 9 and 10:

2. **Within three months** of commencement of development a detailed landscaping scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall illustrate the number, species, height and position of trees and shrubs. The scheme shall be implemented within six months of 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 alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

9. Prior to commencement of development, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. **The works shall be carried out in accordance with these approved details.**

Reason: In the interests of the proper drainage of the site.

10. Development shall not begin until **either:**

(I) part 2a of the central lake and the outlet control centre, both approved under reserve matters application 08/02543/REMM, have been constructed and are operational to the satisfaction of the local planning authority; **or**

(II) details of alternative temporary drainage works have been submitted to and approved in writing by the local planning authority and subsequently constructed in accordance with approved details and are operational to the satisfaction of the local planning authority.

Reason: So that the Local Planning Authority may be satisfied with the proper drainage of the site during construction.

- Plans of the landscaping proposals for Cluster 1 (Western and Central Vistas);
- Overall view of Cluster 1 buildings;
- Perspective of the Catalyst building;
- Details of north and south elevation and proposed materials;
- Details of the developed footprint calculations to September 2009, which gave the cumulative percentage footprint as 5.4% following the relevant submission/approvals to date.

Officers stated that Structures and Drainage were now satisfied with the temporary lagoon arrangements and it was hoped that agreement on a permanent solution would soon be reached.

Representations were received in support of the application from the applicant's agent. She confirmed that the catalyst building would be used for knowledge transfer for which a Yorkshire Forward European Regional Development Fund Grant had been received. The building would provide accommodation for start-up businesses that developed university research and existing businesses that worked with university researchers and was essential to economic recovery in York. She confirmed that she was happy with the Officers revised conditions. In relation to the drainage arrangements she confirmed that she was awaiting additional information

and that, subject to receipt of this, a drainage solution for the Cluster 1 site could be agreed.

Members questioned the following aspects of the scheme:

- Details of the Travel Plan and parking arrangements for Cluster 1;
- Public transport arrangements for the site;
- Reasons for delay in providing drainage details.

In answer to a question the Legal Officer confirmed that planning permission should not be withheld solely for drainage reasons. She stated that if permission was granted and conditions imposed that any subsequent breach of these could then be enforced

Some Members confirmed that they were not satisfied with the car parking arrangements within the site and its management in the absence of a Travel Plan.

It was then moved by Councillor Pierce and seconded by Councillor Potter that the application be deferred pending receipt of the Travel Plan for Cluster 1. On being put to the vote this was lost.

**RESOLVED:** That the application be approved subject to the conditions listed in the report and the following amended conditions: <sup>1</sup>.

2. Within three months of commencement of development a detailed landscaping scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall illustrate the number, species, height and position of trees and shrubs. The scheme shall be implemented within six months of 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 alternatives are agreed in writing by the Local Planning Authority.

9. Prior to commencement of development, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved details.

10. Development shall not begin until either:

- (I) part 2a of the central lake and the outlet control centre, both approved under reserve matters application 08/02543/REMM, have been constructed and are operational to the satisfaction of the local planning authority; or
- (II) details of alternative temporary drainage works have been submitted to and approved in writing by the local planning authority and subsequently constructed in accordance with approved details and are operational to the satisfaction of the local planning authority.

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, scale and appearance of the building, landscaping, transport, sustainability and drainage. As such the proposal complies with policies ED9, GP1, GP9, NE7, T4, GP4a and GP15A 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

**18. FULFORD ROAD CONSERVATION AREA APPRAISAL:  
CONSULTATION DRAFT**

Consideration was given to a report, which asked the Committee to approve a draft appraisal of the Fulford Road Conservation Area for public consultation. The draft conservation area appraisal was attached to the report at Annex A.

Officers confirmed that the appraisal offered an opportunity to reassess the designated Conservation Area and its boundaries and to evaluate and record its special interest. The appraisal should then provide a basis for making sustainable decisions about the area through the development of management proposals. It was reported that, if approved, public consultation would be carried out based upon methods used for other conservation areas over a 6 week period.

Officers circulated additional copies of Annex D of the report as the quality of those circulated with the agenda had not sufficiently identified the area concerned. The plan showed the proposed delivery area, the existing Conservation Area boundary and proposed amendments to the Conservation Area boundary.

Officers also reported that in respect of the consultation venues listed under the Consultation section of the report, that the Central Library would be closed from the end of October. However, copies of the draft report would be placed in Fields Fayre shop and the Fulford Arms Public House on Fulford Road.

Members questioned various aspects of the appraisal mainly in relation to the boundaries and Officers confirmed that consideration would be given to any suggested amendments following receipt of consultation responses. Members thanked Officers for the excellent well researched and informative appraisal which would assist future planning in the area.

Consideration was then given to the following options:

Option 1 – approve the draft document for consultation purposes and to approve the method and range of consultation

Option 2 – amend the draft document and/or change the method and range of the consultation process

Option 3 – do not approve the draft document for consultation

RESOLVED: (i) That approval be given to the draft Fulford Road Conservation Area Appraisal, as proposed in Annex A, for use as a consultation document.

(ii) That approval be also given to the consultation method proposed. <sup>1</sup>.

REASON: (i) The document has been prepared in accordance with current guidance from English Heritage. It has adopted a rigorous approach to the assessment of the Fulford Road Conservation Area and as a consultation document it is clearly written and capable of being amended where required.

(ii) The boundary review has been carried out in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 and it has adopted relevant criteria a set out in PPG 15 and also as described in the latest guidance documents from English Heritage.

(iii) The proposed consultation process would be based on previous practice.

Action Required

1. Undertake consultation by the method proposed.

SS

**19. APPEALS PERFORMANCE**

Consideration was given to a report, which detailed the Council's performance in relation to appeals determined by the Planning Inspectorate in the 12 month and 3 month periods to 31 July 2009. The report also provided a summary of the salient points from appeals determined in the 3 month period.

Officers confirmed that the report had been prepared in response to a request from Members for a précis of the relevant points of appeals for future reference when considering applications. Officers also confirmed that they would be examining the use of conditions and their refinement for particular applications.

Members were requested for their views on the content, frequency and format of future reports.

RESOLVED: That the Committee approve Option A to receive quarterly reports with the annex of case summaries as presented.<sup>1</sup>

REASON: So that Members can continue to be appraised of appeal decisions within the City of York council area and be informed of the planning issues surrounding each case for future reference in determining planning applications.

Action Required

1. Report appeals decisions on a quarterly basis to the Committee.

SS

R WATSON, Chair

[The meeting started at 4.30 pm and finished at 6.30 pm].



**COMMITTEE REPORT**

**Committee:** Planning Committee      **Ward:** Heslington  
**Date:** 29 October 2009      **Parish:** Heslington Parish Council

**Reference:** 09/01574/REMM  
**Application at:** Proposed University Campus Lying Between Field Lane And Low Lane A64 Trunk Road And Hull Road York  
**For:** Landscaping to Kimberlow Hill, Central Lake and Eastern Mounding of Heslington East Campus  
**By:** University Of York  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 24 November 2009

**1.0 PROPOSAL**

1.1 This is a Reserved Matters application to landscape the eastern part of the campus, i.e. the area east of the recently constructed Field Lane roundabout. The planting works mainly comprise: (1) blocks of woodland along the flanks and crest of Kimberlow Hill; (2) woodland planting adjacent to the A64; (3) reed beds and marginal planting along the lake fringes; (4) wetland areas and screen planting along the boundary with Low Lane; and (5) hay meadow areas between the lake and the movement spine and adjacent to the woodland areas.

1.2 The boundaries of the site largely match the boundaries of planning application 08/02543/REMM for the construction of the central lake and the raising of Kimberlow Hill. On 25 June members resolved to approve the application subject to drainage details being delegated to officers.

1.3 In August 2008 reserved matters consent was granted for the landscaping of the western part of the site (08/01136/REMM).

**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:

CYGP1  
Design

CYGP4A  
Sustainability

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYNE7  
Habitat protection and creation

CYED9  
University of York New Campus

CYT4  
Cycle parking standards

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No highway implications.

Environment, Conservation, Sustainable Development (Landscape) - The design and arrangement of planting adheres to the principles of the landscape masterplan and landscape design guidelines. Minor queries about maintenance regimes will hopefully will be answered in time for a committee update. They do not affect the layout of the scheme, nor the planting types that are specified, though there may be some alterations to the mix of species.

Structures and Drainage - The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections to the development but the scheme should not begin until the application for the construction of the central lake and raising of Kimberlow Hill ( 08/02543/REMM) has been formally approved.

#### **3.2 External**

Heslington Forum including Heslington Parish Council - The university gave a presentation to the forum on 4 February 2008. Various comments on the proposals were made by forum members and were considered by the university. Since then the forum has been kept updated on progress. No formal representation on the application has been made to the council by Heslington Parish Council or by any other member organisation of the forum.

Natural England - No comments.

Environment Agency - No objections.

York Natural Environment Panel (YNEP) - The choice of some species in the woodland mixes appear to be arbitrary e.g. sea buckthorn is more commonly a plant associated with sand dunes as opposed to wet woodland. A species such as Myrica gale (Bog myrtle) would be a suitable selection for this area. Greater effort should be made to study and replicate existing habitats around York (e.g. Askham Bog, Strensall Common) choosing the appropriate species based on the relevant ground conditions (soil type, moisture content, adjacent features, etc).

North Yorkshire Police - No comments.

Public Consultation - The consultation period expired on 9 October 2009. No responses have been received

#### **4.0 APPRAISAL**

##### 4.1 Key Issues:-

- Principle of the Use
- Landscape Amenity
- Archaeology
- Drainage
- Movement and Access.

#### RELEVANT LOCAL PLAN POLICIES

4.2 Planning Policy Statement 1 (PPS1) sets out the government's overarching planning policies. It sets out the importance of good design in making places better for people and emphasises that development that is inappropriate in context or fails to take the opportunities available for improving an area should not be accepted.

4.3 PPS25 aims to: ensure that flood risk is taken into account in the planning process; avoid inappropriate development in areas at risk of flooding; and direct development away from areas at highest risk.

4.4 The Draft Local Plan including the 4th set of changes was approved in April 2005. Policy GP1 - Development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation.

4.5 GP4a - Proposals for all development should have regard to the principles of sustainable development.

4.6 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.

4.7 GP15a - Developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses.

4.8 NE7 - Development proposals should retain and, where possible, enhance important natural habitats.

4.9 ED9 - The scale, layout and design of the new campus at Heslington East should have regard to, inter alia, a comprehensive landscape scheme including publicly accessible public open space and a comprehensive network of pedestrian/cycle routes between campuses.

4.10 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in the local plan.

#### THE APPLICATION SITE

4.11 The site of the outline consent comprises 116ha of farmland between Field Lane/Hull Road and Low Lane. The site is being developed as a university campus. 65ha of the site is allocated for development, divided into 15 zones. Most of the remainder of the site will be landscaped. The site slopes down gradually from north to south.

4.12 The site of the current application comprises a swathe of land between the developable area of the new campus and the northern, eastern and southern boundaries of the site. The site abuts, to the east, Grimston Bar and the A64.

#### PRINCIPLE OF THE USE

4.13 The principle of the use of the site as part of a new campus was accepted when the Secretary of State granted outline consent in 2007. The proposals accord with local plan policy ED9 for the development of the campus, the adopted development brief for site, the land use plan C(i) approved as part of the outline consent and the approved masterplan. The principle of the proposed use is therefore acceptable.

#### LANDSCAPE AMENITY

4.14 The proposals include a variety of landscape types, which will provide an attractive setting for the campus. Tree planting along the boundaries will maintain, as far as possible, the rural character of the area and provide an attractive screen from outside the site. The lake and informal planting to the south will provide a gradual transition between the campus and the open countryside. Some details can be dealt with as conditions of approval.

4.15 The design and arrangement of the planting adheres to the principles of the landscape master plan and landscape design guidelines. Officers have some minor queries about the maintenance regimes, which hopefully will be answered in time for the committee to be updated at the meeting. The queries do not affect the layout of the scheme, nor the planting types that are specified, though there may be some alterations to the mix of species.

4.16 In response to YNEP's comments, the choice of species for the woodland blocks on Kimberlow Hill is aimed at ultimately creating an Oak woodland that will be similar to the type specified and agreed in the Environmental Site Management Plan. This is appropriate for the locality. The mix of species around the lake is considered to be suitable. The developing ground flora throughout the site will be monitored over the initial years of establishment. Additional field species may be introduced at a later date.

## ECOLOGY AND BIO-DIVERSITY

4.17 The proposals will provide a range of habitats to encourage a suitable variety of flora and fauna. Existing trees and hedges will be kept where possible. Grassland and woodland planting will predominate. This will contrast with the mix of scrapes, wetland habitat and marginal planting around the lake.

4.18 The campus development is likely to result in some loss of species on the site. The inspector's report identifies this loss but accepts that there will be substantial habitat gains in the long term, implying that this is satisfactory compensation (which is acceptable in terms of PPS9). The approved environmental site management plan (ESMP) provides a basis for the implementation and management of measures to enhance species and habitats.

## ARCHAEOLOGY

4.19 An archaeological investigation has identified part of the south flank of Kimberlow Hill as an area of archaeological significance, which will be excavated. In view of this the area has not been included in the planting proposals. A reserved matters application for the landscaping of this flank of Kimberlow Hill will be submitted when the context for the detailed design work has been resolved.

## DRAINAGE

4.20 The site is in flood zone 1 and should not suffer from river flooding. Surface water from the campus will be drained by gravity via proprietary and open channels (swales) to the lake within the site of the current application. Surface water from the campus will be stored in the central part of the lake and released at agricultural rates into local watercourses. On 25<sup>th</sup> June members resolved to approve the Reserved Matters application for the central lake (08/02543/REMM) subject to drainage details being delegated to officers. However, sufficient details have still not been provided to show that surface water will be properly attenuated. This is despite the construction of the central lake being well underway. Nor have the temporary drainage arrangements been approved. Consequently the decision notice for the central lake has still not been issued. Officers are continuing to negotiate with the University to secure the last of the required details. Officers recommend that, if Members are minded to approve the current application, the landscape works should not begin until the application for the construction of the central lake and raising of Kimberlow Hill (08/02543/REMM) has been formally approved.

## MOVEMENT AND ACCESS

4.21 The application includes the eastern section of a new recreational pedestrian/cycle route from Heslington Village to Grimston Bar. It will link to the western section, between Field Lane roundabout and Heslington village, approved as part of the western landscaping scheme. Further links will be provided between the movement spine and the lake. Construction details of all roads, footpaths and cycleways within the new campus will need to be approved under Condition 25 of the outline consent. Nevertheless, provision of the recreational route should be made a condition of the current application.

## 5.0 CONCLUSION

5.1 The application is for a large part of the landscaped setting of the new campus. The proposal conforms with policies of the draft local plan particularly ED9 (New campus at Heslington East). The proposal also conforms with the outline consent for the campus granted by the Secretary of State and with the approved masterplan. The works will provide an attractive setting for the eastern section of the campus and mitigate to a large extent the visual impact of the campus development.

## 6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the approved plans numbered DD110317.L.401/L, DD110317.P.231/E, DD110317.P.220/E, DD110317.P.221/E, DD110317.P.222/E, DD110317.P.223/E, DD110317.P.224/E, DD110317.P.225/E, DD110317.P.226/E, DD110317.P.227/E, DD110317.P.228/E, DD110317.P.229/E, DD110317.P.230/D, DD110317.P.232, DD110317.P.233 and DD110317.P.235 or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

2 No development shall take place until management details, specific to the application site, have been submitted to and agreed in writing by the local planning authority as an addendum to the approved 'Environmental Site Management Plan'. The details shall include: species composition; timing of application of seed mixes; cutting regime and machinery to be used; and weed control.

Reason: To ensure that the proposed habitat types are properly implemented and maintained.

3 Within three months of commencement of development details (which shall be in accordance with the approved Landscape Design Guidelines and the Landscape Management Plan) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details:

- a. Hard surface materials
- b. Street furniture (benches).

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

4 Prior to the seeding of the hay meadow details of the recreational cycleway/footpath between Grimston Bar and the main access into the campus from Deramore Drive shall be submitted, approved, implemented and the cycleway/footpath made available for use to the satisfaction of the Local Planning Authority.

Reason: In the interests of sustainable transport and the amenity of the parkland setting.

5 Development shall not begin until the planning application for the construction of the central lake and the raising of Kimberlow Hill (ref. 08/02543/REMM) has been formally approved by the Local Planning Authority.

Reason: In the interests of the proper drainage of the site.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

1. 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 principle of the use, landscape amenity, bio-diversity, sustainable transport and drainage. As such the proposal complies with policies ED9, GP1, GP9, NE7, T4, GP4a and GP15A of the City of York Local Plan Deposit Draft.

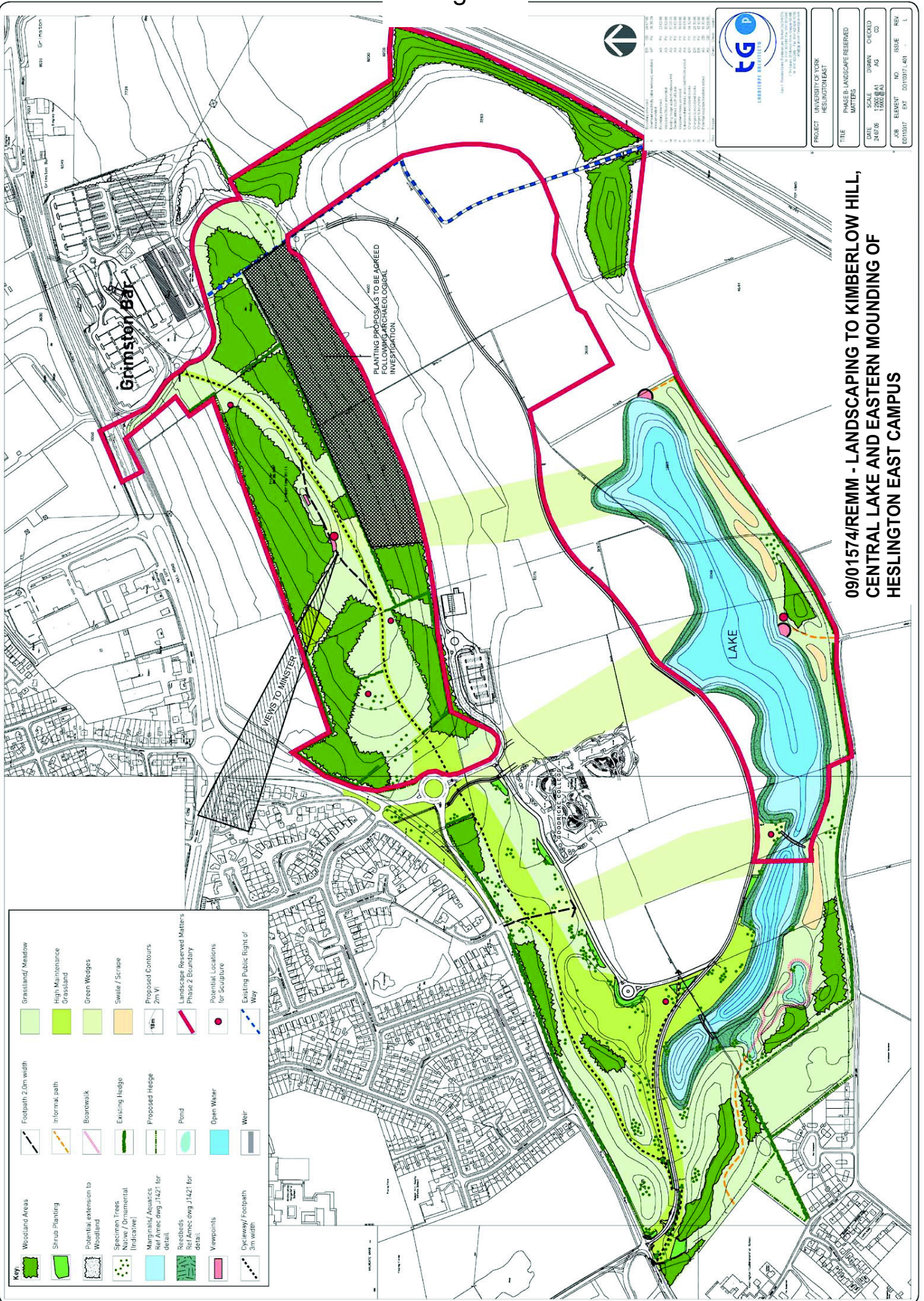
### **Contact details:**

**Author:** Kevin O'Connell Development Control Officer

**Tel No:** 01904 552830

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