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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

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#### **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](http://www.environment-agency.gov.uk) and CIRIA's web site at [www.ciria.org.uk](http://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.

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R WATSON, Chair

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

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