

COMMITTEE REPORT

Committee: Planning
Date: 25 June 2009

Ward: Heslington
Parish: Heslington Parish Council

Reference: 08/02543/REMM
Application at: Proposed University Campus Lying Between Field Lane
Common Lane A64 Trunk Road And Hull Road York
For: Construction of central lake and raising of Kimberlow Hill
By: University Of York
Application Type: Major Reserved Matters Application (13w)
Target Date: 16 February 2009

1.0 PROPOSAL

1.1 This is a reserved matters application for the creation of the central section of a lake at the University of York's new campus at Heslington East. In essence the works comprise a redistribution of ground material within the site. Soil excavated to create the lake (in the southern part of the site) would be used to increase the height of Kimberlow Hill (in the north) from 31m AOD at its highest point to 36m AOD. Some of the remaining excavated soil would be used to create a bund along the boundary with the A64 (to the south-east).

1.2 The application does not include soft landscaping and tree planting proposals. These will comprise a separate reserved matters application at a later date.

1.3 The lake as currently proposed is in three main sections. The western section is under construction and is nearing completion. The central section is the subject of this application. Details of the eastern section of the lake have not yet been submitted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area : Heslington 0029

Contaminated Land :

City Boundary : York City Boundary 0001

DC Area Teams : East Area (1) 0003

Listed Buildings : Grade 2; Font 2.5m N Heslington Church Field Lane

Listed Buildings : Grade 2; Heslington Anglican And Methodist Church Field Lane

Schools : Lord Deramore's Primary 0208

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CGP15A
Development and Flood Risk

CYNE7
Habitat protection and creation

CYT4
Cycle parking standards

CYED9
University of York New Campus

3.0 CONSULTATIONS

3.1 Internal

Environment, Conservation, Sustainable Development (Landscape) - The proposals are acceptable. They comply with the EIA submitted with the outline application and the landscape design guidelines approved pursuant to the outline consent.

Environment, Conservation, Sustainable Development (Countryside) - No concerns.

Environment Protection Unit - No objections subject to the submitted construction environmental management plan being adhered to at all times and other relevant conditions of the outline consent being complied with.

Structures and Drainage - No objections to the latest approved scheme, subject to conditions, particularly to ensure that the proposals are carried out promptly.

Highway Network Management - No highway objections subject to a condition restricting the use of the Low Lane access to the purposes indicated by the applicant (ie very limited access for maintenance).

3.2 External

Heslington Community Forum - The university gave presentations to the forum on 10 December 2007 and 4 February 2008, prior to submission. Since then the forum has been kept updated on progress.

Heslington Parish Council - No response.

Dunnington Parish Council - The proposal is ill-conceived and extravagant both financially and environmentally. Using a borehole for an ornamental rather than an agricultural use is a waste of water.

Osbaldwick Parish Council - The parish council considers that it has not been given enough time to make informative comment. [Officers' response - The parish council has been told that any representations received up to the date of the committee will be reported verbally by officers at the meeting]

DEFRA - The public right of way between Grimston Bar Park & Ride and Low Lane (across Kimberlow Hill) should be maintained. Could the access from Badger Hill to the right of way be improved, either from Hull Road or from Field Lane?

Highways Agency - No objection.

Yorkshire Water - No objections.

Ouse and Derwent IDB - No objection to the latest proposals subject to conditions and formal ratification by the main board.

Environment Agency - No objections if the council's drainage officers and the IDB are satisfied with the proposals.

York Natural Environment Panel - (1) The lake lacks the detailed elements required to create optimum habitat for wildlife, including for example an irregular shoreline. (2) The scheme will result in reduced discharges to Germany Beck, including at times of reduced flow, which could be detrimental to the existing habitat. (3) The alterations to Kimberlow Hill will destroy geological heritage. (4) Given the number of different planning applications there should be a consistent approach with all relevant information being provided at the outset.

Public Consultation - Consultation measures include letters to all occupiers fronting onto the site, advertisements in the local press and site notices along the perimeter. Copies of the application were available for inspection at St Leonard's Place and the university. The consultation period expired on 31 December 2008. One objection has been received from a local resident. It refers only to matters unconnected to the current application.

4.0 APPRAISAL

4.1 Key Issues

Principle of the use;

Drainage;

Landscape and topography;

Ecology and bio-diversity;

Movement and access.

The Application Site

4.2 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.

The site of the current application occupies approximately 50ha. Kimberlow Hill rises from approximately 22m AOD to 31m AOD. The area of the lake is generally level at approximately 11m AOD.

4.3 The site of the current application comprises approximately 50ha forming a wide C-shaped swathe of land around most of the perimeter of the new campus. The application site wraps around (but excludes) the allocated area in which most of the campus buildings, car parks and roads would be located. The site is partly agricultural and partly construction site.

4.4 Policy Context

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.

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.

Local plan 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.

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

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

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.

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

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.

Principle of the Use

4.5 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 proposal accords 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; the design brief masterplan; and the landscape masterplan. The principle of the proposed use is therefore acceptable.

Drainage

4.6 The central lake will receive surface water from the whole of the new campus (whilst some surface water will pass through the western lake it will provide a mainly ornamental function). Surface water will be stored in the lake and released at agricultural rates into local watercourses, ie Germany Beck and Tilmire Drain. These principles were accepted by the inspector at the public inquiry and are fundamental to the sustainable drainage strategy for the campus. Runoff collection will be maximised in order to provide a sustainable supply of water to the lake. The lake will be filled initially by abstracting local ground water.

4.7 Because of the importance of the lake for surface water runoff the IDB and the council's drainage officers have wanted to be satisfied that the capacity of the lake and the other drainage proposals are fit for purpose. Negotiations with the university have been protracted but council officers are now satisfied that the lake and ancillary drainage measures are adequate, subject to conditions. The IDB has appointed a consultant to advise it on the adequacy of the proposals for protecting local watercourses. The consultant (JBA) has examined the university's latest drawings and is satisfied that the proposals are acceptable. JBA's report and conclusions were accepted by a special sub-committee of the IDB on 9 June. Formal ratification by the main board of the IDB is expected at the next scheduled meeting of the main board on 23 June. Members of the planning committee will be updated at the committee meeting on 25 June.

4.8 Suitable conditions are in the process of being drafted. Officers will update members at the meeting.

4.9 Dunnington Parish Council considers that using a borehole to top up the lake would be a waste of water. Once the lake is full the borehole is unlikely to be needed except during periods of drought or due to possible future effects of climate change.

Landscape and Topography

4.10 In addition to having a drainage function the lake will be a major feature of the new campus. The other alterations to ground levels - notably the increase in the height of Kimberlow Hill and the new earthworks along the A64 - will add further visual interest. In particular the works to Kimberlow Hill will enhance the appearance of and from the hill, including views of York Minster. The final appearance and value of the works will be dependant on the landscaping/planting proposals which have yet to be submitted. Their scale and form will be guided by the landscape masterplan.

4.11 The proposals comply with the EIA submitted with the outline application and the landscape design guidelines approved pursuant to the outline consent. The latest revisions show Kimberlow Hill as having a 'peak'. Nevertheless, given the broad scale of the earthworks and tree planting the proposals are acceptable. The bund alongside the A64 is relatively steep and high (4m from the base). But it is a relatively short stretch of the site boundary adjacent to the A64 which is itself slightly raised. Once wooded the slopes will be less conspicuous and will serve as a sound

buffer between the site and traffic on the A64. The lake modelling appears to be suitably profiled.

4.12 Whilst the planting will be the subject of a separate reserved matters application the illustrative woodland blocks on the southern slopes appear unnaturally segmental. Moreover, the woodland planting has been drastically reduced from the scheme in the EIA and the initial version of the landscape masterplan. The reserved matters application needs to reconsider the shape and size of the woodland blocks/edges and properly relate to any open areas in between. Also, views to the Wolds may need to be re-assessed.

Ecology and Bio-Diversity

4.13 The works will result in some loss of species on the site. The inquiry inspector identified this loss but accepted that there would be substantial habitat gains in the long term, implying that they would be satisfactory compensation (which is acceptable in terms of PPS9). Conditions of the outline consent require the university to submit an environmental site management plan (ESMP) and a landscape management plan (LMP) They have been approved and the applicant will be bound by their contents.

4.14 YNEP has a number of ecological concerns about the proposals: (1) Variation to the lake shore was raised when the western lake was being considered. It was resolved by varying the shoreline during construction. The same approach could be adopted for the central lake and made a condition of the landscaping application, once it has been submitted. (2) Whilst drainage attenuation measures will, from time to time, result in reduced flows to local watercourses, a minimum flow of 1.1l/s will be maintained. This will help to even out the flows and protect the ecology of the receiving watercourses. Furthermore the maximum flow from the lake will be restricted to agricultural rates which will further even out surface water discharge from the site. At present there is no such attenuation. (3) The geological implications of altering Kimberlow Hill were addressed at the public inquiry into the outline planning application. The inspector noted that there would be no geological exposures on the site and that the development would have no adverse impact on the local geology (paras. 701 - 705 of the Inspector's report).

Movement and Access

4.15 This application includes no highway works, whether permanent or for construction. Nevertheless, a pumping station for the abstraction borehole will be accessed from Low Lane. It will be used for occasional maintenance only. All construction access to the site will be via the existing central access. This is a condition of the outline consent.

4.16 An existing footpath runs north-south across the eastern end of the site from Grimston Bar Park & Ride to Low Lane, via the crest of Kimberlow Hill. DEFRA wants this footpath to be retained and that, if possible, access to it from Badger Hill will be improved. The north-south footpath will be retained along its present (horizontal) alignment. Moreover, the landscape proposals for the site (to be submitted shortly) include the provision of a recreational footpath link between the new Field Lane access and Grimston Bar Park & Ride. The link will provide a more

convenient off-road link between Badger Hill and the start of the footpath than the suggestion put forward by DEFRA.

Other Matters

4.17 The site of the central lake is currently bisected by overhead power lines. One of the pylons is within the area that will be covered by water. The university has applied to NEDL, the statutory undertaker that owns the pylon, to have it removed. Consent has not been granted within the requisite period so the university has appealed. A decision is expected shortly. Assuming the university is successful a temporary peninsula will need to be retained for a short time to support the pylon in the lake. The University would remove the peninsula once the pylon is dismantled. The lake would then be completed in accordance with the currently-proposed design. If the university's appeal were to be unsuccessful - and the pylon has to remain - the university would discuss with the council proposals for the permanent retention of the peninsula, together with any consequent design amendments that might be required.

4.18 The outline approval for the campus shows the lake extending eastwards well beyond the central lake. Whilst the eastern lake would not serve a drainage function it would contribute to the visual setting, character and amenity of the campus. It is for this reason that the lake was conceived and shown on the approved design brief masterplan and landscape masterplan. Whilst the current proposal will not preclude provision of the eastern lake the university has not yet drawn up detailed proposals for its design or provision. On the contrary, the university is non-committal about the eastern lake, stating that the eastern part of the campus may not be completed for another 10-15 years and that circumstances may change between now and then. The university is not required to include the eastern lake with its proposals for the central lake. Nevertheless, any material changes to the two masterplans would need the agreement of the council.

5.0 CONCLUSION

The application comprises the second and major section of the lake, which will be an integral component of the storm water and drainage management scheme for the development. It is also a major element of the 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, the design brief masterplan and the landscape masterplan.

6.0 RECOMMENDATION: Approve
(Proposed conditions to be tabled at the meeting)

7.0 INFORMATIVES:

Contact details:

Author: Kevin O'Connell Development Control Officer
Tel No: 01904 552830