

## COMMITTEE REPORT

**Date:** 19 December 2013      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Askham Bryan Parish  
                    Commercial Team                      Council

**Reference:** 13/02969/OUTM  
**Application at:** Askham Bryan College Askham Fields Lane Askham Bryan  
York YO23 3PR  
**For:** Outline application for the erection of new building and  
conversion of existing building to provide student  
accommodation; the erection of teaching block following the  
demolition of a workshop; and the erection of an engineering  
building  
**By:** Askham Bryan College  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 18 December 2013  
**Recommendation:** Approve following referral to Sec. of State

### 1.0 PROPOSAL

1.1 Askham Bryan College was established as the West Riding Institute of Agriculture in 1936 and has been in use for land based education since the end of the second World War. It is one of the principal agricultural colleges, and the fastest growing, in the UK drawing students from across the country and abroad. The college provides a wide range of full and part-time courses from entry/foundation to degree level and an extensive range of short courses. Student numbers for 2013/14 are 1768 for full time and long term part-time courses, and 1600 for short courses. 150 FTE (full time equivalent) lecturers/instructors and 90 administrators and support staff are based at the York campus.

1.2 The application site is set on a hill ridge running parallel to the A64; the site is within the Greenbelt.

1.3 The outline application is for a 3 storey student accommodation block following the demolition of agricultural buildings (SV1), the conversion and redevelopment of existing farm buildings into student accommodation (SV2), an engineering workshop (ENG1), and a 2 storey teaching block (TB1). Details of appearance are reserved, this application will consider scale, access, layout and landscaping.

1.4 The proposed development set out above would form phase 3 of the re-development of the college campus, Phases 1 and 2 are subject of a full application (13/02946/FULM)

1.5 The main campus access from Askham Fields Lane will provide access to SV1, SV2, and TB1. An existing access to the horticultural buildings from York Road will provide access to ENG1

1.6 SV1 is proposed to provide 160 en-suite bedrooms with ancillary storage space; the three storey building would be approx 9 metres to the eaves with a low pitch or asymmetric roof. The building would be set between the existing student accommodation and the farm unit, currently on the site is a livestock shed and a general agricultural building.

1.7 The proposed TB1 would follow the demolition of the existing engineering building set within the campus opposite the college library. The proposed 1920m<sup>2</sup> of teaching space would be provided over 2 storeys. The proposed building would be 7 metres in height to the eaves, if a traditional design is proposed at the reserved matters stage the building could be 8 metres in height to the roof ridge

1.8 The proposed ENG1 building would have a footprint of 2,100m<sup>2</sup> and would have a height of 6 metres to the eaves with a 6 degree roof slope to 7.6 metres in total height. The walls and roof are expected to be of metal sheeting. The proposed site is to the north of the existing engineering buildings. Committee may recall that this site was proposed for an equine hospital (permission granted under refs. 07/00753/FULM and 11/01155/FULM)

1.9 The proposed conversion of the brick built stack yard to student accommodation (SV2) will retain the existing external appearance. The building is currently used as office space, butchery area, meeting rooms and associated uses. No details have been provided as to the number of accommodation units that would be provided within the building. The building is a two storey running east to west with a 2no single storey wing running north to south.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:  
Air safeguarding Air Field safeguarding 0175  
DC Area Teams West Area 0004

2.2 Policies:  
CYSP2 The York Green Belt  
CYSP3 Safeguarding the Historic Character and Setting of York  
CYSP6 Location strategy  
CYSP8 Reducing dependence on the car  
CYGP1 Design  
CYGP4A Sustainability  
CYGP6 Contaminated land  
CYGP9 Landscaping

CGP15A Development and Flood Risk  
CYNE1 Trees, woodlands, hedgerows  
CYNE6 Species protected by law  
CYNE7 Habitat protection and creation  
CYHE10 Archaeology  
CYGB1 Development within the Green Belt  
CYGB3 Reuse of buildings  
CYGB6 Housing devt outside settlement limits  
CYGB10 Major development sites in GB  
CYGB11 Employment devt outside settlement limits  
CYT2 Cycle pedestrian network  
CYT4 Cycle parking standards  
CYT7C Access to Public Transport  
CYT13A Travel Plans and Contributions  
CYT18 Highways  
CYH17 Residential institutions  
CYED5 Further and Higher Education Institutions

### **3.0 CONSULTATIONS**

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections

ARCHAEOLOGY

3.2 The Desk based assessment identifies non-designated heritage assets within the application site. The place-name Barrow Fields which occurs within the application site strongly suggests the possibility of prehistoric burial mounds in the area. The site is therefore of archaeological interest, and there is a demonstrable requirement that more information is required to detail the archaeological significance of the prehistoric, Romano-British and medieval landscapes. This information is normally provided through pre-determination archaeological evaluation of a site. In the light of the exceptional circumstances relating to this site (the grant-aid funding of the development) have agreed that this information can be provided post-determination. Can be secured via condition

## FLOOD RISK MANAGEMENT TEAM

3.3 Insufficient information provided by the applicant to determine the potential impact of the proposals on the existing drainage system and downstream watercourse

## ENVIRONMENTAL PROTECTION UNIT

3.4 The ground investigation results did not identify any significant land contamination or elevated ground gas levels. Consequently, no remedial action is required and the site is deemed to be suitable for its proposed use. However, as a precautionary measure, would recommend condition.

3.5 A noise assessment was undertaken. Not all aspects of the development raise concerns as most of the site is already within the ownership and control of the college and unlikely to adversely affect neighbours due to the distances involved.

3.6 Student Village Building (SV1) will provide residential accommodation for students and as a result any proposed accommodation will be located directly adjacent to the college site and will be affected by the operations of the college. Teaching Block (TB1) and Engineering Block (ENG1) is to be located approximately 170m from the nearest residential properties at 36 to 61 Askham Fields Lane and so there is the potential for noise from any proposed plant or equipment from the building to adversely affect the existing dwellings.

3.7 As part of the noise assessment the impact of increases in vehicles numbers on noise was considered. The worst case predicted change in noise level is 3.4dB, the estimated impact is shown to be negligible for the properties located to the north of the college site on Askham Fields Lane.

3.8 In addition to traffic road noise have concerns about the impact of increased vehicles in relation to car parking. Have concerns about the increase in the number of noise events which will be experienced by the properties to the north proposed car parks, particularly later at night. The car parks nearest to these properties will be limited and a barrier provided to prevent access out of hours. Suggest that this be conditioned between the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 on Saturday and Sundays.

3.9 In view of NPPF and the Council's Low Emission Strategy, which was adopted in October 2012, EPU request 4 electric vehicle recharging points

## CITY DEVELOPMENT

3.10 The site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS (the Yorkshire and Humber Plan) saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. As identified under Policy GB10, Askham Bryan College is a major developed site in the Green Belt with a preferred use of Education. The college continues to be a recognised as a major developed site in the Green Belt with education the preferred use under Policy GB5 (emerging Local Plan). Policy GB10 states that there are advantages to permitting limited development at major developed sites provided development does not prejudice the Green Belt's openness or its purposes. Limited infilling may also help to provide jobs and secure economic prosperity. Development must not exceed the height of existing buildings and must not lead to a major increase in the developed portion of the site.

3.11 The applicant successfully demonstrates that the proposals will primarily be used for educational purposes, albeit the proposals will also provide commercial development.

3.12 The development proposals indicate two to three storey buildings, which is above the height of existing buildings. Should ensure that this would not prejudice the Green Belt's openness or its purposes

3.13 Subject to the above comments with regard to the proposed heights of the buildings, the proposals meet the requirement of Policy GB10. However the commercial element requires an assessment of Policy GB1.

3.14 As a Higher Education Institution, Policy ED5 applies. This policy encourages the continued development of the city's further and higher education institutions, subject to adequate measures being provided for student housing. It also suggests that if capable for dual or joint usage for community benefit this will be encouraged. This approach is reflected in the emerging Local Plan in Policy EST2. In addition, Policy SS2 recognises the economic role of York's higher and further education institutions both in terms of direct employment and through facilitating growth in research and development.

3.15 The development will result in an increase in student numbers. The temporary student accommodation is welcomed. Consider whether the impact of increases in student numbers at the college requires permanent student accommodation.

## PUBLIC RIGHTS OF WAY

3.16 Public footpath (No.2/7) is located within the boundary of the development but appears not to be directly affected by development. The nature of the surface of the road that the public footpath follows is predominantly tarmacadam. If this access

road is to be used as access for delivery and construction vehicles associated with the development proposal in any way then the developer and/or the landowner will be responsible for its repair: request a survey to be carried out on the condition of the surface of the public footpath with photographic evidence prior to any development commencing or associated works.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### HIGHWAYS AGENCY

3.17 No comments received

### ENVIRONMENT AGENCY -

3.18 No objections. Request informatives regarding foul drainage, surface water drainage, compliance with comply with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (as amended 2013), and water efficiency,

### POLICE ARCHITECTURAL LIAISON OFFICER

3.19 No comments

### YORKSHIRE WATER

3.20 There are a small diameter public foul sewer recorded to cross the red line site boundary. The sewer is likely to be affected. In this instance, YWS would look for this matter to be controlled by Requirement H4 of the Building Regulations 2000.

3.21 There is an existing water main is laid in Askham Fields Lane that supplies the houses, but is unlikely to be affected by the proposal. A new water supply can be provided under the terms of the Water Industry Act, 1991.

### ASKHAM BRYAN PARISH COUNCIL

3.22 No comments received.

## **4.0 APPRAISAL**

### RELEVANT SITE HISTORY

- 05/01743/FULM - Erection of 3x three storey student accommodation blocks after demolition of 5x existing two storey accommodation - Approved
- 07/00753/FULM - Proposed erection of veterinary hospital with associated outbuildings, car parking and vehicular access - Approved

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- 11/01155/FULM - Erection of 7 single storey buildings forming an equine hospital and training centre with associated outdoor facilities, car parking and new access - Approved
- 12/03016/FUL - Erection of single storey student and staff accommodation block comprising 10 no. ensuite bedrooms, 1no. flat with separate access; 2no. supporting teaching spaces and associated external landscaping - Approved
- 13/02946/FULM - Erection of educational and associated buildings and related parking, circulation areas and landscaping (for animal management centre, farm and equestrian purposes, 2 staff dwellings, animal housing), siting of animal shelters, silos and feed bins, erection of security fencing, formation of external equine training areas including polo field, formation of new access to York Road, reorganisation of existing access and parking areas, formation of ponds, change of use of existing buildings, temporary student accommodation and providing glazed roof to existing quadrangle – Pending and considered elsewhere on this agenda.

## KEY ISSUES

- Policy background
- Green belt and consideration of very special circumstances
- Scale and Landscape considerations
- Traffic, Highway, Parking and Access Issues
- Ecology
- Sustainability
- Drainage

## ASSESSMENT

### PLANNING POLICY

4.1 The NPPF sets out the presumption in favour of sustainable development, there are three dimensions/roles to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation and involves seeking positive improvements in the quality of the built, natural, and historic environment. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.2 The NPPF puts emphasis on supporting economic growth in rural areas in order to create jobs and prosperity. Local plans should support the expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well design new buildings; promote the development and

diversification of land-based rural business; support sustainable leisure development that benefit business in rural areas, communities and visitors, and which benefit the character of the countryside

4.3 The Askham Bryan Parish Plan (2006) discusses the College site and its importance to the area. The design guidelines set out in the Plan refer to the setting of the village and the retention of the agricultural character of the village and there is little mention of the college site. However some of the guidelines are considered to be applicable: the south aspect from Chapel Lane contributes to the setting of the village. Any new development should respect, maintain, or provide views through to these features and the open countryside; developments must reflect and complement the character of the immediate surrounding area particularly with regard to scale, density, and mix of design; no development should be permitted which would interrupt the open character and setting of the village approaches.

#### GREEN BELT AND CONSIDERATION OF VERY SPECIAL CIRCUMSTANCES

4.4 The application relates to the re-development of the college campus. The site is within the Green Belt as defined City of York Development Control Local Plan Proposals Map, and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) sets out the extent of the City of York Green Belt. The campus is identified as a "major developed site in the Green Belt" within Policy GB10 the Development Control Local Plan (2005) and Policy GB5 (of the emerging Local Plan). Both policies state that the preferred use of the site is for education. Some of the development proposed falls outside of the developed site envelope shown in the proposal maps for both Local Plans. However as neither of these Local Plans have been adopted and the NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application.

4.5 The aim of the greenbelt is to prevent urban sprawl by keeping land permanently open, the characteristic of the greenbelt is its openness and permanence. The Green Belt serves 5 purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances.

4.6 The NPPF sets out that the construction of new buildings is inappropriate in the greenbelt, however it provides a list of exceptions these include: buildings for agriculture; provision of appropriate facilities for outdoor sport, outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it; the extension or alteration of a building provided



that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

4.7 Certain other forms of development are also not inappropriate in the greenbelt providing they preserve the openness of the greenbelt and do not conflict with the purposes of including land in the greenbelt, these include: engineering operations; and the re-use of buildings providing that the buildings are of permanent and substantial construction.

4.8 Buildings SV1, SV2, and TB1 are considered to fall within the NPPF exception category of limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. However the proposed engineering building would be sited to the north of the main campus and would impact on the openness of the greenbelt.

4.9 The proposed engineering building would result in an increase in the developed proportion of the whole site and would be sited outside the existing built envelope of the campus. In addition the proposed large scale and massing is considered to significantly harm the openness of the greenbelt. As such the proposal is considered to constitute inappropriate development in the Green Belt, and very special circumstances would be required in order to justify the development, and outweigh the harm to the greenbelt.

4.10 The applicant has put forward the following justification for the new building:

As a result of the scale and height of the existing building, the largest vehicles and machinery owned by the college cannot be accommodated within the building. As such this limits the teaching function and also limits the College's ability to maintain large vehicles. In addition the current buildings proximity to the teaching blocks and the College Conference Centre cause problems of noise disturbance and a conflict with pedestrian and vehicles within the central campus. The proposed re-siting of the workshop with a separate (existing) access from York Road will remove these concerns. It is hoped that the improved facilities will attract additional.

4.11 Very special circumstances put forward by the applicant, for the development as a whole including 13/02946/FULM, are as follows:

- The campus is sited in this location and therefore the proposed development cannot be located other than within or adjacent to the existing campus
- The proposals will provide the basis for a significant financial input into the campus over an extended period. Construction value is estimated to be £33,972,000. The successful contractor could potentially employ local sub-contractors and suppliers. As such there is the potential for the development to affect the local economy
- The development (subject of this application and 13/02946/FULM) will allow student numbers to increase by 65%, and the number of full times students who are resident on the site will double. This will generate a need of 120+ teaching and support staff, potentially adding £2million per annum into the local economy
- Further input into the economy will occur from the on-going supply of domestic and housekeeping services, estimated at £150, 000 per annum (excluding wages) which as far as possible will be sourced locally
- The proposed developments (application 13/02946/FULM and 13/02969/OUTM) are inter- related, mutually supportive and in terms of their importance to the future development and status of the college, comprise a long term development and all the elements are essential
- There is insufficient land to accommodate the development within the existing boundaries of the campus
- Will allow the range of courses to be increased and the standard of residential and social facilities available and thus contributing to the reputation of the college and by associate the city
- The links to the Council and the wider community in respect of students assisting in land-based and conservation projects and the uses of the college facilities during the holidays will be strengthened and extended to the economic, social, and cultural benefit of the city

4.12 Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. On balance, it is considered that the above considerations cumulatively are capable of amounting to very special circumstances sufficient to outweigh the limited harm that would be caused to the Green Belt.

#### SCALE AND LANDSCAPE CONSIDERATIONS

4.13 The southern line of the existing buildings is located at a height of 35m along the ridge formed by the glacial moraine. The topography increases in height further to the west at Stock Hill at a height of 44m. Within the otherwise relatively flat surrounding land, this is a noticeable ridge/hill. The college complex is experienced by the highest numbers from the A64. From the A64 the college is perceived as a farmstead on the hill (Westfield farm buildings), followed by the main building, and then a stables and a large timber barn (equestrian centre). These are all visible,

albeit fleetingly from vehicles travelling at relatively high speed, along the A64 in varying degrees at different locations and times of the year. Previous development of the campus has maintained a building line along the ridge with development on the northern slope of the ridge.

4.14 The proposed SV1 would be sited in the existing campus adjacent to the existing 3 storey student accommodation and the agricultural buildings, the proposed accommodation would be spread over 3 storeys. The building would be screened from the wider greenbelt to the west by a line of Poplars. The development would be viewed in the context of the surrounding buildings and the campus.

4.15 The proposed SV2 would be the conversion of farm building sited towards the top of the ridge, no additional buildings or extensions are proposed, from the information submitted the external envelope of the building would be unchanged; as such the building would not result in a greater presence within the landscape. The number of accommodation units would be limited by virtue of the size of the building. The proposed student accommodation would be in close proximity to the existing dairy building and as such there may be some disturbance in terms of noise and odour however by virtue of the nature of the college and the students' courses the proximity is not considered to result in a loss of amenity and is considered to be acceptable.

4.16 The public right of way directly affected by the proposed development of SV1 and SV2 is AB 2/7 which runs to the west of the proposed development along the existing farm lane from York Road to the A64. The view from the road would be an increase in density of the campus but would still predominately be of the character of walking through a farm yard. The development is unlikely to prevent use of the right of way.

4.17 The proposed two storey TB1 would follow the demolition of the existing Engineering block. The proposed teaching block would be of a similar footprint centrally sited within the campus, it is unlikely that it is visible from outside the campus by virtue of its proposed two storey height. No landscaping is proposed in relation to this part of the application.

4.18 The proposed ENG1 building would have a footprint of 2,100m<sup>2</sup> and be 7.6 metres in height; the plan shows a building measuring 30 metres by 70 metres. The proposed ENG1 would be prominent by virtue of its proposed height, scale, and massing and its proximity to the road and the northern boundary of the campus. The proposed building would be viewed against the backdrop of existing college buildings. The site gently slopes up from York Road towards the main campus. The proposed building is set back from York Road by approx 40 metres with an area of hardstanding to the north. It is expected that the building would be of a utilitarian appearance. The existing row of tall conifers that delineates the eastern boundary of the site would be retained. The line of poplars along the western boundary provide a

reasonable degree of seasonal screening. The existing frontage hedge would also be retained and supplemented by additional tree planting in order to soften the visual appearance of the development from York Road.

## TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.19 Student numbers are projected to increase from 1200 to 2300 by 2017. The level of car parking on site will increase from approximately 390 spaces to 530 spaces as part of application 13/02946/FULM, no car parking is proposed as part of this application. Highways Network Management are satisfied from the information submitted that the development proposals together with the 13/02946/FULM, will not have a detrimental impact on the adjacent highway network. The Highways Agency has not raised any objections regarding the impact to the A64.

## ECOLOGY

4.20 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible

4.21 The bat activity surveys recorded use of the site and surrounding area. To proceed with any proposed development which may affect the roost, there is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 for a European Protected Species (EPS) licence granted by Natural England. An overarching mitigation and enhancement plan can be obtained via condition. It is also considered prudent to condition lighting details to ensure there is limited impact on bats as well as on visual amenity grounds and impact to the wider countryside/green belt.

## SUSTAINABILITY

4.22 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with applications for development. The proposed development should also meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Commercial developments involving more than 500 sq m of space should demonstrate that they can achieve a BREEAM rating of 'very good', among the requirements are that the development can generate at least 10% of its energy demands from low or zero carbon technology.

4.23 The applicant has submitted a statement with stating that the intention is for the proposed student accommodation and the proposed teaching block to be assessed under BREEAM. The standards can be secured through planning conditions.

4.24 The applicant has made no reference to generation of 10% of the energy demands from low or zero carbon for the development it is considered that these standards can be secured through planning conditions.

## DRAINAGE

4.25 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.26 Some surface water drainage details have been submitted. By reason of the potential to affect neighbouring land and roads it is considered that this information is required to ensure that the proposed drainage method is appropriate and works in this location, it is considered that in this case given the extent of the college's land ownership the information can be sought via condition

## **5.0 CONCLUSION**

5.1 The Engineering building is considered to constitute inappropriate development within the Green Belt, and by virtue of the scale and siting would impact and cause harm to the openness and visual amenity of the Green Belt. Central Government advice in the NPPF makes it clear that such development should not be approved, except in very special circumstances. The proposed facilities are required for the college to expand and compete, and improve existing courses. The proposed college facilities are require proximity to the current campus and as such can not be sited elsewhere, and together with the other reasons put forward by the applicant are considered to constitute very special circumstances that outweigh the harm to the greenbelt.

5.2 Buildings SV1, SV2, and TB1 are considered to fall within the NPPF exception category of limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.3 Other impacts of the development are considered to be acceptable and in accordance with national and local planning policy and where reasonable and necessary will be mitigated by condition.

5.4 Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning(Consultation) (England) Direction 2009.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve following referral to Secretary of State

Subject to the following conditions:

1 OUT1 Approval of Reserved Matters -

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

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

Drawing Number (05)01 Revision A received 22 November 2013;

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

4 Samples of the external materials to be used for each building shall be approved in writing by the Local Planning Authority prior to the commencement of the development of each building. The development shall be carried out using the approved materials. Samples and colours of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of each building hereby approved. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

5 The development shall be constructed to the appropriate BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 6 months of occupation of each building. Should any of the buildings fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures would be required to achieve a

standard of 'very good'. Any agreed remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and the City of York Council Interim Planning Statement 'Sustainable Design and Construction'.

6 Prior to the construction of each of the following buildings: Teaching Block (TB1), Student accommodation (SV1), and the Engineering Block (ENG1) details shall be submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide 10% of its predicted energy requirements from on-site renewable sources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the local planning authority. The approved scheme shall be implemented before first occupation of the relevant building.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

7 No development shall take place until an archaeological evaluation in accordance with a detailed methodology (to include geophysical survey, metal detecting, trial trenches, community involvement, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the said Authority of the site of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

8 If, following the carrying out of the archaeological evaluation required by condition 7, the Local Planning Authority so requires, an archaeological excavation of the site shall be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive.

9 Details of all machinery, plant and equipment to be installed in or located on the engineering block and the teaching block hereby permitted, which is audible at the boundaries of the nearest residential properties located at 36 to 61 Askham Fields Lane when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997, this being the design criteria adopted by EPU, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

REASON: To protect the amenities of adjacent residents

10 Construction work shall not begin until a scheme for protecting the proposed student accommodation (SV1 and SV2) from external noise has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the development is occupied.

Note: To achieve compliance with this condition details should be submitted to demonstrate that the internal and external noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS8233 as follows with adequate ventilation provided:-

- 1) Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)
- 2) Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)
- 3) Night time internal maximum noise level in bedrooms of 45 dB(A) Lmax



REASON: To ensure that the occupants of the student accommodation have a reasonable level of residential amenity

11 In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) 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. 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 2A of the Environmental Protection Act 1990.

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.

12 Prior to commencement of development of the student accommodation (SV1), the engineering block (ENG1), and the teaching block (TB1), a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

13 A landscaping scheme shall be approved by the Local Planning Authority prior to completion of construction of the engineering block. The scheme shall include tree planting to the north of the engineering block hereby approved

The approved scheme shall be implemented within a period of 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 Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and provides adequate screening of the engineering building in the interests of the character and appearance of the area in accordance with paragraph 58 of the National Planning Policy Framework.

14 Prior to the occupation of each building details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Reason: In the interests of visual amenity, to prevent light disturbance and nuisance, and to assess the impact on ecology

INFORMATIVE: There should be no direct illumination of foraging, roosting and commuting habitat and any light spillage should be minimised as much as possible.

15 The proposed Engineering Block (ENG1) shall not exceed 7.6 metres in height.

Reason: In the interests of visual amenity

16 No demolition shall take place and the commencement of development of each of the approved development shall not take place until full details of what measures for bat mitigation and conservation are proposed for each building have been submitted to and approved in writing by the Council. Where appropriate, a copy of the Natural England Protected Species Licence approving mitigation measures should be supplied to the Council prior to any work taking place.

The measures should include:

(i) The inspection of any buildings to be demolished or disturbed as close to the date of work as possible and no earlier than one month prior to any work to ascertain the presence or otherwise of roosting or hibernating bats in the structure. Further survey may be required at the appropriate time of year if a) the demolition is to be carried out between April and Sept. or b) an endoscopic hibernation survey if the demolition is to be carried out between October and March. The results should be submitted to the Council beforehand.

(ii) A plan of how work is to be dealt with during the demolition/development phase to accommodate the possibility of bats being present.

(iii) No buildings containing bats to be demolished until the bats have been safely excluded using previously agreed methods. By preference demolition should take

place in winter when bats are less likely to be present.

(iv) Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat lofts and bat boxes.

(v) Details of any offsite enhancements that can be provided.

(vi) The timing of all operations

The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under wildlife guidelines the replacement/mitigation proposed should provide a net gain in wildlife value.

INFORMATIVE: If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

Type boxes internally mounted into the walls rather than the externally mounted ones are recommended. Structures built into the fabric of the building provide better and longer lasting habitat that are less prone to environmental fluctuations and future disturbance.

17 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 13:00

Not at all on Sundays and Bank Holidays.

REASON: To protect the amenities of adjacent residents

18 Prior to the construction of each building hereby approved details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the approved details prior to the relevant building being brought into use.

Details shall include:

i) Calculations and invert levels to ordnance datum of the existing surface water system together with details to include calculations and invert levels to ordnance datum of the proposals for the new development.

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(ii) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development shall not be raised above the level of the adjacent land, to prevent run-off from the site affecting nearby properties.

(iii) Existing and proposed surfacing shown on plans.

(iv) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

(v) If soakaways are the proposed method of surface water disposal, these shall be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. The tests shall be carried out for each proposed building and witnessed by the City of York Council's Flood Risk Management Team.

If soakaways prove to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment, peak run-off from:

(a) Proposed buildings within Brownfield areas must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used.

(b) Proposed buildings within Greenfield areas or above not proven must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. To ensure that the proposed drainage of the development is acceptable and would prevent flooding to neighbouring property and road infrastructure

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Requested additional information
- Application of conditions

#### **2. INFORMATIVE: Control of Pollution Act 1974**

#### **3. INFORMATIVE: Statutory Undertakers**

#### **4. ENVIRONMENT AGENCY WATER EFFICIENCY INFORMATIVE**

The EA endorse the efficient use of water, especially in new developments. The EA Water Demand Management Team can provide information and advice on any aspect of water conservation including water saving technologies. New developments could take economic advantage of these technologies and should be considered. Widespread use of these and other technologies that ensure efficient use of natural resources could support the environmental benefits of future proposals and could help attract investment to the area. Further advice can be obtained from our website at

[www.environment-agency.gov.uk/homeandleisure/beinggreen/117266.aspx](http://www.environment-agency.gov.uk/homeandleisure/beinggreen/117266.aspx)

#### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347