

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2011

1.4 The proposed development does not comprise 'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

PRE-APPLICATION CONSULTATION

1.5 The agent has provided details of the community involvement and consultation that took place prior to the submission of the application. This included leaflets sent to 500 dwellings on Badger Hill together with posters in the University and distributed to local shops. Exhibitions were held on 3 September 2014 for the Heslington East Community Forum and 4 September 2014 for the public and the university community. A total of 95 people attended. The exhibition panels were emailed around the University population. Of the 83 responses received 63 were supportive. Some of those who objected to the proposed scheme agreed with the need, particularly for the health centre but disagreed with the proposed location, others were concerned regarding the impact to existing shops in Yarburgh Way. In addition 200 responses were received from the University community with the majority in favour.

2.0 POLICY CONTEXT

2.1 Draft Development Control Local Plan 2005 Policies:

CYGP1	Design
CYGP3	Planning against crime
CYGP4A	Sustainability
CYGP7	Open Space
CYGP9	Landscaping
CYGP11	Accessibility
CGP15A	Development and Flood Risk
CYHE16	Archaeology
CYNE1	Trees, woodlands, hedgerows
CYGB1	Development within the Green Belt
CYT7C	Access to Public Transport
CYT13A	Travel Plans and Contributions
CYS6	Control of food and drink (A3) uses
CYS10	New local and village shops

2.3 City of York Local Plan – Publication Draft 2014

R1 Retail Hierarchy and Sequential Approach

R4 Out of Centre Retailing

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 The roundabout was planned to accommodate a fourth arm and as such the design meets the necessary standards. Servicing traffic to the site will enter the rear service yard as a left turn in from Kimberlow Lane.

3.2 A Technical Note by highway consultants acting on behalf of the applicants has demonstrated through an agreed methodology that 75 car spaces would be an appropriate level of provision. 93 spaces are proposed. CYC maximum standards would permit a maximum of 100 spaces. Because of the profile of the users of the site, the sustainable location of the development, likelihood of linked trips and differing peak periods of demand for parking the level of parking proposed is excessive. However when assessing this position against national planning guidance it is not considered that a reason for refusal could be defended but is considered to represent poor practice and design.

3.3 Surrounding streets and the adjacent highway are protected by various waiting restrictions which will prevent indiscriminate parking. The use of the car park is under the control of the applicants and it would not be in their interests to allow the car park to be filled by commuter parking.

3.4 The site is located within a short walking distance of bus stops served by frequent services. There is an extensive network of pedestrian and cycle facilities which will serve the development. Access points into the development site have been designed in order to give pedestrian priority.

3.5 Cycle parking facilities have been provided around the site and are separated between covered/secure staff provision and visitor provision. Detailed design of the cycle parking will be covered by a suitably worded condition.

3.6 No Travel Plan has been submitted but the requirement for one can be covered through a suitably worded condition.

Planning And Environmental Management

Landscape Architect

3.7 The area makes a distinct contribution to the suitably generous landscape setting of the university campus, and acts as a gateway landscape feature at its entrance, and is an inviting, accessible open space. This exposed slope of Kimberlow hill in effect forms the start of the central vista and also forms continuity with the parkland landscape alongside Field Lane. The landscape around Field lane has been designed to complement this relationship.

3.8 The proposed arrangement of buildings would mean cutting into/removing, a considerable chunk of the end of Kimberlow Hill in order to create a level terrace, which at its eastern end would be quite sunken, thus further undermining the natural topography and visual appeal of this element of the landscape infrastructure. The positioning of the development in such a prominent location with such a detrimental impact on the landscape infrastructure of the campus, renders the development fundamentally flawed.

3.9 The development would also result in the removal of a significant area of young woodland. The woodland is not protected, but it is located on the area of landscape infrastructure that was required and approved for the wider campus development.

3.10 If the buildings were given green roofs, this would reduce the visual impact on views from above the site on Kimberlow Hill. If the parking could be reduced and placed to the rear, the buildings would have a more immediate relationship with the landscape. Nonetheless, despite all of the above potential options, even if they were feasible, it would not render the development acceptable in landscape terms.

Forward Planning

3.11 The site falls within the general extent of the Green Belt in accordance with the saved policies of the RSS. It has been indicated in the emerging local plan that both university campuses should not be included in the Green Belt. The emerging local plan carries limited weight as a development plan as a whole at its present early stage in the statutory process.. As such it is necessary to treat the application site as if it were green belt and for the applicant to demonstrate very special circumstances to justify why the presumption against development should not apply.

3.12 The site is identified as amenity open space in the 2005 Draft Development Control Local Plan and the emerging local plan. The application site also falls within an area designated as a landscaped buffer zone under the Heslington East campus planning permission. The role of the landscape buffer zones is to protect the Heslington and Badger Hill local communities. It is noted that the City of York Council Local Plan Evidence Base: Open Space and Green Infrastructure (2014)

study identifies the application site as amenity open space for which there is a surplus of within this area.

3.13 The new neighbourhood parade will cater for the day to day needs of the immediate local population. Yarburgh Way, Badger Hill and Main Street, Heslington and provision at the University of York (Heslington West Campus) have been identified through subsequent work to the Retail Study Update as performing existing neighbourhood centre roles. The vitality and viability of the neighbourhood parades should be maintained and enhanced in order that their key role in catering for the needs of the local population continues in the future. The developed areas of the Heslington East Campus are not within a 10 minute walking catchment of the three nearest neighbourhood parades. This suggests that a site closer to the main developed area of the east campus may be preferable to address the gap in 10 minute walking time given that the application site is in close proximity to existing neighbourhood parades and is some distance from the main developed area of the campus.

City Archaeologist

3.14 This application lies within the area that was evaluated in advance of the outline planning application for Heslington East. The development proposal lies within Fields 5 and 5A which were evaluated in 2004/04. Archaeological features were recorded in trench 22 (Field 5A) and trench 25 (Field 5) which produced material of dating to the Iron Age and Anglian periods.

3.15 This application proposes a significant development for parts of former fields 5 and 5A. Whilst there has been some disturbance caused within the development area by construction and landscaping work, there are areas where archaeological features and deposits will survive. The development will therefore have an impact on archaeological features and deposits that lie on this site.

3.16 These deposits must be recorded prior to development taking place. This recording exercise will be most efficient realised by the controlled stripping of topsoil and such subsoil as is necessary to reveal archaeological features and deposits, and subsequent cleaning, mapping and excavating a sample of the features and deposits. Condition ARCH1 is required.

Flood Risk Management Team

3.17 No objections, request details of foul and surface water drainage via a condition

Environmental Protection Unit

3.18 The location of the nearest properties not associated with the University is at least 150m away and EPU has no direct concerns about noise impact for the operation of the site but request a condition to control noise from any plant or machinery associated with the development and any of the uses permitted.

3.19 Suitable controls systems must be provided with any of the proposed A3 and A5 uses which are capable of adequately controlling both particulates such as smoke, grease and hydrocarbons, and gaseous emissions such a combusted gases and food flavourings. Request a condition for adequate facilities for extraction.

3.20 No past industrial uses or waste disposal activities have been identified on site or within the vicinity, so no significant ground or groundwater contamination is anticipated. However, made ground associated with the adjacent university development could be present in the southern and western part of the site, request a condition for any unexpected contamination which is encountered during the development.

3.21 The site is not within an existing area of air quality concern and is not expected to result in increased local exposure to air pollutants above the national air quality objectives. However, the development will still have an overall emission impact on the wider city which will contribute towards the cumulative impact of development on background air quality. In line with the NPPF and to be consistent with York's low emission approach to air quality action request free standing, outdoor recharging unit for vehicles via condition

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Environment Agency

3.22 No objections

Ouse & Derwent Internal Drainage Board

3.23 The surface water drainage for the area discharges to a number of Board maintained watercourses; these are already operating at capacity and as such would not be able to take on additional volumes without increasing the risk of localised flooding. .

3.24 The site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for.

3.25 The Board would have no objections to the principle of this proposed development however there is a need to add clarity to the overall surface water

drainage strategy. A condition is requested to secure additional drainage information

Yorkshire Water Services

3.26 A water supply can be provided under the terms of the Water Industry Act, 1991.

3.27 The Flood Risk Assessment is not satisfactory. It states no percolations tests have been done, these tests must be carried out. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical, only upon receipt of satisfactory evidence may surface water discharge into the public surface water sewer.

3.28 Request following conditions: separate systems for foul and surface water, foul and surface water details to be submitted prior to development, no piped discharge of surface water, adequate facilities for disposal of waste materials

Police Designing Out Crime Officer

3.29 A take-away will require a Licence under the Licensing Act 2003 if it opens after 23.00hrs. If not the planning permission would be the only opportunity for the Authority to place relevant conditions. Such premises should be required to provide a detailed management policy, which should include what crime prevention measures are to be incorporated and how litter is to be dealt with. If the Convenience Store sells alcohol it will require a Licence under the Licensing Act 2003. Any application for such will be looked at by the Police Licensing department and relevant conditions relating to the reduction of crime and disorder will be requested by them.

3.30 The parking at the rear of the units has no natural surveillance from within these units, leaving any vehicles parked there vulnerable to crime and users of the vehicles also vulnerable. This parking area should either be removed, windows fitted in the rear elevations of the units to provide natural surveillance or a CCTV system installed to cover the parking area. If the parking area is to remain, it should be illuminated with street lighting.

3.31 In relation to retail units and take-away, It is recommended that premises of this type have a CCTV system installed. This should cover both the inside and exterior of the premise, including the entrance/exit. The Surgery & Pharmacy should also have a comprehensive CCTV system.

3.32 Request condition for written details of how the issues raised in the Police Designing Out Crime Officers report dated 9 February 2015 are to be addressed.

Heslington Parish Council

3.33 Consider that the development is contrary to the planning permission for the University in that it contravenes the Heslington East Campus - Master Plan and Strategic Design Brief April 2008 in the following ways:

- This proposal is clearly outside the approved building envelope.
- The development breaches the green buffer zone which protects the local communities of Badger Hill
- The area is also defined as green space

3.34 The Parish Council also objects on traffic grounds:

- The additional parking spaces will exceed the limits of the parking spaces set out in condition 9 of the planning permission.
- The planning process for the University sought to restrict traffic flows at key junctions. Provision of facilities at this site will increase traffic flows.

3.35 The Parish Council understands there is a need to make provision for the students on campus. It makes more sense to provide these facilities closer to the campus centre inside the building envelope already defined.

Publicity and Neighbour Notification

Heslington Village Trust

3.36 Object for the following reasons:

- Should adhere to the approved master plan which emerged from the public inquiry in order to protect the communities of Heslington and Badger Hill, should develop within the existing building envelope.
- Potential to set precedent.
- Additional parking would exceed the number of parking space allowed in Condition 9 of the outline planning permission.
- The outline planning permission sought to restrict traffic flows, the proposed development will result in an increase in traffic.

Badger Hill Residents Community Group

3.37 Object for the following reasons:

- The proposed site of the development does not conform with the outline planning permission submitted by the University of York in 2004 examined at Public Inquiry in 2006 and recommend for approval, subject to conditions by the Secretary of State.

- The outline planning permission is unambiguous regarding the area of the application site 65 development site within 116 hectares, the proposed site is outside the development site.
- The planning permission allocated 3600 sqm of the 65 hectares for catering/retail, therefore no justification for new application.
- The buffer area should remain intact as it provide context and containment of future development of the university.
- Harm caused by the development of the buffer zone.
- Not the most convenient position for the target customers, should be within the campus.
- Badger Hill has existing retail facilities, proposal would harm the viability of the existing shops and disadvantage residents of Badger Hill who do not have access to transport.
- Planning permission for supermarket nearby which may impact on the viability of the existing retail provision.
- The trading position of the Heslington West supermarket is not material to this application.
- Over exaggerates road safety concerns, if the surgery moves Osbaldwick residents will have to cross the same road to access.
- Improper to attach all the other aspects of the proposed development to the surgery in order to justify them, the retail and the surgery elements are separate issues and should be treated as such.
- The provision of parking spaces will be at odds with the Planning Inspector aim to reduce the use of private car in travelling to the university.
- Would result in increase in traffic and congestion.
- No special circumstances to justify the departure from the plans as set out in the outline planning permission.

Third Party Representations

3.38 The publicity and neighbour notification process resulted in 220 responses. Of these 195 were in support, 22 were in objection and 3 provided general comments.

3.39 Grounds of objection:

- There is an existing pharmacy within 10 min walking distance
- There is an existing doctors surgery on the main campus
- A cheaper supermarket is proposed nearby as such there is not requirement of the retail facilities
- Not a demand for the facilities on the Heslington East campus
- Not part of the original plan for Heslington East, sited within green buffer zone
- Loss of landscaping and cutting into Kimberlow Hill
- Concerned that the proposed infrastructure will allow residential development of the neighbouring site

- The Inspectors report and the decision made by the Secretary of State set out the importance of the landscape buffer zones
- The additional parking exceeds the numbers of Condition 9 of the campus outline planning permission
- The outline application sought to restricted traffic flows at key junctions, would the proposed development exceed these restrictions?
- The facilities should be within the campus
- Would set principle of development of Kimberlow Hill and the landscaping buffer
- The proposed A5 units will create additional traffic, noise (from customers, deliveries etc) and odour issues, and the potential refuse problems
- Detrimental impact on the nearby retail units that will lead to job losses and empty units
- The late night opening and unattended car park will result in anti-social behaviour
- The doctors surgery will be isolated
- There are sufficient A5 units in the area to satisfy demand
- Any planning reasons based on 'increase in demand' are disingenuous, if there is a requirement for these facilities can be sited within the campus. If they are unable to gain enough revenue in this position the proposed development can not be sustainable
- The site is green belt
- Further encroachment of the university on Heslington village
- No justification for the proposals beyond the supposed inability of students to cross Hull Road safely
- Will result in families moving out of the area
- Trees will be removed
- The University should have two strategically located medical centres in each campus. They should be close to colleges, laboratories, etc. Had expected one to be built in Campus East in due course. However, a doctors surgery does not really meet the need and has different priorities from those of a campus medical centre
- The Heslington West surgery serves not only the students and staff in the old campus but also Heslington residents, many of them elderly. The loss of this surgery puts at risk students in the old campus and a surgery at the far end of Field Lane is definitely less accessible for Heslington residents. The argument that the Emergency Services could be relied upon suggests to that the University is putting commercial considerations above the interests and well being of its students and staff
- Urban sprawl
- Promotes unhealthy living and obesity
- Potential light pollution
- The site is only considered because of financial problems, is not enough money to building the surgery without closing 2 surgeries and from the

proposed retail units, the shops can not be successful on student custom alone, require non-student customers

- There is an existing shop on campus open 11 hours 7 days a week during term time
- Considerations should be given to the residents of the nearby communities
- Do not challenge the need for facilities, however, this is the wrong location - it should be within the original development envelope which is more than sufficient - or re-develop the existing site rather than close.
- Before Heslington East is even completed to suggest the current green wedge is eaten into to create a new destination is careless forward planning
- concerns that the parking as part of this application may be used by those visiting the University rather than the retail units, thereby undermining the Travel Plan and increasing University-related traffic, and certainly the proposed volume of parking seems disproportionately high
- consent should only be granted if conditions were applied that limited the parking to short-term use only, perhaps 90 minutes between 9am and 6pm or similar. This would ensure the parking is for its intended use only and would address concerns about University-related traffic.

3.40 Grounds of Support

- Heslington East campus suffers from a lack of retail facilities with a 15 min walk to closest shop.
- The current set-up makes returning to campus accommodation unappealing to second and third year students, which in turns puts pressure on family housing stock
- Require improved access to health services
- More sustainable for the local population to have the facilities close by
- Benefit local economy
- Students and staff are using the petrol station on Hull Road, the road crossing is considered dangerous, and the proposed supermarket will increase the numbers of students crossing this road
- Provide more trees than existing
- Cafe/restaurant will aid the interaction between the students and York residents
- A free car park will help those attending the university
- Demand for hot food take-away
- Students tend to shop online however require fresh essentials such as bread and fruit
- Would encourage more commercial development in the Badger Hill and Heslington areas
- Currently a 30 minute round trip to purchase daily essentials
- The needs of the students should be catered for

- The objections to the proposal are designed to keep the University community and local residents separate
- The objections show that there is a lack of appreciation of the difficulties faced by members of the University community to obtain basic amenities, such as grocery, and a health centre and pharmacy for times of illness. Simply stating that there are similar amenities no matter how far away should not be sufficient without giving an accurate and representative view of the number of students that use those facilities as well as their views on the time and difficulty needed to get there

Councillor Neil Barnes (Hull Road Ward)

3.41 There was a unanimous vote to oppose the planning application at the AGM of the Badger Hill Residents Community Group in February. This was on the grounds that the site is within a 'green zone' allocated in the original campus master plan, which was set for the purpose of providing a buffer between the Badger Hill estate and the built-up aspects of the new campus.

3.42 Individual representations have been made by residents in Badger Hill who also oppose the application on the above grounds and also that it contains proposed takeaway outlets. There were also arguments that local amenities are already sufficient for provision of retail and pharmacy needs.

3.43 Met with a delegation of students who described how the Heslington East campus requires better retail and health facilities for the benefit of those living on the campus and to make it an attractive prospect for returning students.

3.44 The Heslington East Campus needs to be an attractive prospect with adequate facilities. If students can be better enticed to live on campus, then the pressure on the local housing market will be less.

3.45 Amending aspects of a master plan that underwent intense scrutiny and a public enquiry would set an unwelcome precedent for the remainder of the development.

3.46 The rise of online ordering and the aggressive marketing of existing outlets does not appear to support the market need for a new takeaway. This is a particular bone of contention for local residents and I wonder if the University could demonstrate good faith by withdrawing an application for this particular use?

4.0 APPRAISAL

RELEVANT SITE HISTORY

04/01700/OUT

Outline application for development of a university campus
Approved by the Secretary of State - May 2007

08/02167/FULM

Realignment of arms of roundabout with associated pedestrian and cycle access and landscaping, following previous approval of outline application 04/01700/OUT.
Approved - December 2008

08/02543/REMM

Construction of central lake and raising of Kimberlow Hill
Approved - April 2010

09/01574/REMM

Landscaping to Kimberlow Hill, Central Lake and Eastern Mounding of Heslington East Campus
Approved – October 2009

KEY ISSUES

- The Planning Status of the Land
- Green Belt Policy including very special circumstances
- Harm to the openness of the Green Belt
- Design and Landscape Impact
- Loss of Open space
- Highways and Transport
- Residential amenity
- Archaeology
- Equalities Act 2010

PLANNING POLICY

4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 Whilst the Regional Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key

diagram which illustrates those policies and the general extent of the Green Belt around York. These policies comprise the development plan for York.

4.3 The York Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.4 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions.

4.5 The NPPF says that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It also states that Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraphs 186 and 187).

4.6 Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. The relevant NPPF core principles include: finding ways to enhance and improve the places in which people live their lives; proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas; contribute to conserving and enhancing the natural environment and reducing pollution; promote mixed use developments; actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

THE PLANNING STATUS OF THE LAND

4.7 The proposed development site is within the approved application site of the East campus but was shown as "Green Space including tree and woodland planting" in the application documents. This designation was carried through into subsequent Masterplan Documents approved by the Local Planning Authority and the landscape has been altered from its previous agricultural appearance to that of a parkland and it remains open and undeveloped.

4.8 The new East campus was given planning permission by the Secretary of State in May 2007 following a “call-in” public inquiry. The Secretary of State considered the land to be within the general extent of the Green Belt as set out in the North Yorkshire County Structure Plan and the draft Regional Spatial Strategy for Yorkshire and the Humber. She concluded that the new campus was inappropriate development in the Green Belt, but that there were very special circumstances to clearly outweigh the limited harm that would be caused to the purposes of the Green Belt.

4.9 Whilst the Regional Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York.

4.10 RSS Policy YH9C “Green Belts” states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. RSS Policy Y1 states that the City of York LDF, should define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

4.11 The 2005 Development Control Local Plan (DCLP) shows the site to be within the Green Belt. The emerging Local Plan (2014) shows both the East campus and the Green Space to the north of the built development as outside of the Green Belt. However at this stage the emerging Local Plan is considered to carry very little weight in the decision making process. As such it is considered that the application site remains within the general extent of the Green Belt.

GREEN BELT POLICY

4.12 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 80 sets out the five purposes of the Green Belt:

- 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.

4.13 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate development in Green Belt. NPPF paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.14 Paragraph 88 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

VERY SPECIAL CIRCUMSTANCES

The Applicant's Case

4.15 The applicant's agent considers that very special circumstances exist in this case to outweigh the harm to the Green Belt. In summary:

- The proposed development is required to meet an existing and growing need for health services and convenience shopping for University of York students and staff. Very few students have access to cars and many staff utilise non-car modes to arrive at work. The university community needs on-site facilities so that the campus is established as an appealing place to live, work or study.
- The University has an obligation under the section 106 agreement to make their student housing as attractive as possible in order to reduce the pressure on the city's housing stock. The lack of facilities for the student population has led to negative perceptions of living on this campus.
- It is essential that it is accessible to the local community due to the need to maintain viability during University vacations. Therefore the development is located outside of the barriered access roads and is thus outside of the allocated area designated for development in the approved masterplan.
- A sequential test has failed to identify an alternative an alternative location which could be conveniently located for the University community and still be viable and deliverable for the operators of the health an retail facilities.

The Demand For Improved Facilities

4.16 There are currently 2000 students living on the East Campus. This is likely to rise to 3200 over the next 5 years. The daily university population working or studying at the campus is about 2000. Companies based at the campus employ around 150 staff and attract around 125-150 visitors a month. The Sports Village has a membership of 4500. The East Campus is around 50% completed. Further increases in knowledge based companies, academic and residential buildings will increase demand for more facilities. Recent permissions include the Piazza building a teaching and catering building for 500 undergraduate students, plus 500 foundation college students the construction start is imminent with completion due in 2017. Future plans include the Bio-vale research centre, a national science facility

for research in agriculture and green energy. Staff levels would be around 500, a planning application is due in 2015, with completion in completion 2017. Residential College 10 is under consideration for completion in 2018 and College 11 for completion in 2019. These colleges would accommodate 1300 students in total.

Health Services

4.17 The medical practice who would run the proposed surgery currently have three other surgeries at the West Campus, on Hull Road, and at Wenlock Terrace. Their list size is in the region of 23000 patients, comprising 66% university students and 33% local patients. The patient list has seen an average 6% growth year on year since 2010, with the trend predicted to continue into 2016. The West Campus surgery is within the campus, it is not easily visible or accessible to the public and there are car access limitations for non-university users. The Hull Road surgery occupies a detached bungalow in a residential street with no on-site car parking and is not considered to be fit-for-purpose by the practice. The applicant states that neither surgery is of a sufficient size to serve the current and future patient list and that services are therefore constrained in scope and frequency. In addition there is no adjacent pharmacy.

Convenience Shopping

4.18 All colleges on the East Campus are self-catered with limited storage space in the shared kitchens resulting in regular shopping trips being needed. Retail provision is limited to a small food selection in the Hub cafe. The current preferred source of food shopping for residents of the East Campus is the 24-hour convenience store at the Inner Space Station petrol Station on Hull Road. The applicant's state that as this is located over two carriageways of the A1079 this presents a significant safety risk particularly after dark. Other food shopping options are the West Campus supermarket which is 2km away and internet deliveries which carry a charge for small orders. Planning permission has recently been granted for the conversion of the B & Q store on Hull Road to a food store although it not known when this will be developed. The applicant's point out that the same safety concerns would arise with this store on the north side of Hull Road and suggest that added to the travel time, very large stores are time-consuming for students making frequent trips to purchase small quantities of goods.

Alternative sites

4.19 The applicant states that the requirement for retail provision on the campus has been recognised from the outset of the development. However the challenge of attracting retailers onto the campus who could survive vastly reduced turnover during the vacations has not been resolved. The turnover at the West Campus supermarket typically falls from £85000 to £15000 per week during vacations. The applicant points out that this is with publicly accessible car parking which does not exist at the East Campus. As such they state that the health and shopping facilities

need to create footfall out of term time to achieve viability for the shops; create a revenue stream to cross-subsidise the Health Centre in the early years of its operation; facilitate combined trips for health and shopping units; attracting a range of retail uses will cut down on the need for further off-site trips for students.

4.20 Sites at the West Campus Surgery; the Draft Local Plan Housing site on Hull Road; within the East Campus and separate provision for the required elements were considered. All were discounted due to a combination of factors including convenience for those on cycle and foot including bus passengers, accessible by car for patients and staff and deliveries; proximity to the East Campus and local communities, commercial viability including during student vacations, deliverable (including land ownership issues), site area for buildings of around 0.5ha able to cope with future growth.

Assessment of the applicant's Very Special Circumstances

4.21 Existing shopping and medical facilities currently exists at the neighbourhood parades at West Campus, Yarburgh Way and Heslington Main Street and on Hull Road. The West Campus facilities are 2km (1.2miles) from the centre of the East Campus (walking route) and provide a convenience store and other facilities primarily for the student population. Heslington Main Street is 1.5km away (0.9miles) and provides a pubs, banks and post office. Yarburgh Way is 0.8km (0.5miles) away provides a small convenience store, a baker, butcher, pharmacy, hairdressers/barbers and other non-convenience shops. A small convenience shop is located within the Inner Space Station petrol station on the north side of Hull Road is 0.7km away (0.43 miles). Planning permission has recently been granted for the conversion of the B & Q store to the north of Hull Road to a food superstore this would be 0.9km away (0.57miles). It is not known when this conversion will be implemented.

4.22 There is a significant existing student and working population at the East Campus which will increase in the future with the completion of the additional residential colleges, teaching and research facilities. On site facilities are limited to social and catering. Evidence from the student body demonstrates that resident students consider the facilities at the East Campus to be inadequate in terms of shopping facilities which the University consider could be damaging to the letting of existing residences and the development of additional residences. The provision of on site shopping facilities has been encouraged by the city council and the s106 agreement for the site requires the University to undertake to take steps to encourage the maximisation of demand for student housing on the East Campus.

4.23 In terms of current provision there is a reasonable spread of shopping facilities for day-to-day needs in the broad vicinity of the East Campus but that these facilities are spread out and do not provide for a single destination allowing for linked trips. Furthermore the Retail Study Update which is part of the evidence base for the 2014 Draft Local Plan shows that the developed areas of the East Campus are not within

a 10-minute of the three neighbourhood parades. It can be argued therefore that there is a need for additional shopping facilities within closer proximity of the East Campus.

4.24 It is reasonable for shopping and medical facilities to be provided on or adjacent to a campus with such a large resident and working population. The applicant submits that sites within the East Campus will not be developed for shopping facilities because they are considered to be unviable by developers who require footfall throughout the year and the visibility and access that a site within the Campus's vehicle barriers would not provide. Similarly the medical centre requires a certain level of patient and operational parking on site which would be similarly constrained by the barriered access to the campus. On that basis a development site on the edge of the East Campus would be required for the facilities to be brought forward.

4.25 In respect of the medical centre, the applicant submits that the development is necessary to rectify deficiencies in the Practice's existing facilities based on the size of their patient list and NHS standards. The relevant NHS standard is for the provision of 15 consultation rooms, 4 nurse treatment rooms and 2 HCA rooms. Currently the provision is 9 consultation rooms, 3 nurse treatment rooms and 0 health case assistant rooms. The medical practice states that these deficiencies can be met by moving the administration out of Wenlock Terrace to provide more clinical space and base it in the new health centre with the improved facilities it will have. Both Hull Road and Heslington West surgeries are too small and incapable of expansion to be brought up to standard. A small surgery catering for the additional demand from the East Campus alone could not overcome the deficiencies of all 3 surgeries and would not attract NHS funding.

4.26 The applicant states that the expanded medical facilities would not be viable without additional funds to cover an early years funding gap. Retailers require an element of trade from the wider community for them to remain commercially viable outside of term-time. Provision of the health and retail elements in the same development will create a critical mass for the scheme in attracting footfall and also the ability to cross-subsidise the health centre.

4.27 It is considered that no suitable alternative means of accommodating the proposed development on land that is not located within the Green Belt has been identified and that these other considerations are material in determining whether very special circumstances exist in this case. In accordance with paragraph 88 of the NPPF when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

HARM TO THE OPENNESS OF THE GREEN BELT

Application Reference Number: 15/00049/FULM

Item No: 4b

4.28 The application site forms part of the western slope of Kimberlow Hill. The development would involve cutting into and removing an area of the hill to create a level terrace. The land would then be re-contoured to provide a steep slope to the east and north east of the application site. The proposed buildings would be single storey in height with very shallow pitched roofs hidden on some elevations behind parapets.

4.29 The Green Belt in this location comprises a relatively narrow strip of land comprising of Kimberlow Hill, the open land between the northern edge of developed area of the East Campus east of Field Lane and south of Hull Road. The strip of Green Belt then narrows further to the west between the East Campus south of Field Lane. Kimberlow Hill has been landscaped as informal open space, part of its northern slope remains in agricultural use. This land is a proposed housing allocation in the 2014 emerging Draft Local Plan, however this designation is considered to carry very little weight in the decision making process. Two planning applications totalling 249 houses are currently under consideration (15/00166/FULM and 15/00167/FULM) on this land.

4.30 The fundamental purpose of Green Belt policy to preserve openness. The proposal would conflict with this purpose and with the purpose of safeguarding the countryside from encroachment. However whilst the development would eat into part of the area that was provided as a landscaped parkland around the East Campus it would be reasonably well related to the campus whilst retaining its own landscaped periphery. The proposal is a discrete development and is unlikely to set a precedent for other development within the Green Belt. It is not considered that development would conflict with the other Green Belt purposes set out in paragraph 4.12. The proposal gives rise to harm to the green belt by reason of inappropriateness and limited harm to openness and encroachment into the countryside. To amount to very special circumstances, the other considerations set out in 4.15 – 4.19 above, together with other considerations set out below need to clearly outweigh this identified harm to the green belt.

DESIGN AND LANDSCAPE IMPACT

4.31 The NPPF 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. Decisions should aim to ensure that developments: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other

public space as part of developments) and support local facilities and transport networks;

- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

4.32 Para 61 of the NPPF states that visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

4.33 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.34 There are five elements that provide the landscape infrastructure and setting for the campus at Heslington East. These are: the parkland landscape alongside Field Lane, Kimberlow Hill (woodland and meadow), the green vistas, the lake, and the wooded mounding adjacent to the A64.

4.35 The proposed location for retail space and doctors surgery would be within an area designated as a landscape buffer in the approved masterplan. It would occupy roughly half of the buffer width which at this point is formed of Kimberlow Hill. In order to create a level terrace for the development an area at the end of Kimberlow Hill would be excavated. At its eastern end the development terrace would be sunken about 5m below the original topography of the hill. This would undermine the natural topography and visual appeal of this element of the landscape infrastructure.

4.36 The topography and landscaping means that the impact of the proposal is relatively localised to the immediate approaches to the roundabout, the houses to the west on Field Lane, the Field Lane parkland and in western views from the hill itself.

4.37 The area makes a distinct contribution to the generous landscape setting of the university campus, it acts as a gateway landscape feature at its entrance, and is an accessible open space.

4.38 The slope of Kimberlow hill forms the start of the central vista which leads down to the hub buildings and lake. The development has been kept close up to the existing campus and the northern service road whilst setting it back from Kimberlow

Lane to leave a green width relating to the central vista on the campus. The existing planting and former field boundary to the south of the site would be retained.

4.39 The style of the architecture keeps the buildings low and simple, with a limited but contrasting palette of materials, all of which lends itself to a wooded and a generous landscape setting. This concept would be compromised by car parking to the front, lighting and commercial signage. However, new tree planting and a hedgerow are proposed around the car parking area to the front of the buildings which, in time will mitigate to some degree the impact of the new built development on this landscaped setting.

4.40 Revised drawings have been received to show areas of sedum green roofs on the eastern roof slopes of the building which would be viewed from above the site on Kimberlow Hill. Larger areas of green roof were sought but were not forthcoming.

4.41 Mitigation measures will create an attractive landscaped setting for the development but this does not overcome the significant impact on the landscape infrastructure of this entrance to the East Campus and on local views of Kimberlow Hill and the issue of the principle of developing within the landscaped buffer. This planning harm has to be balanced against the applicant's demonstrated need for the proposed development. On balance it is considered that the provision of necessary retail and medical facilities outweighs the harm to a small area of a locally important landscape. It is considered that this will not set a precedent for development in the landscape buffer because of the special circumstances advanced by the applicant for this particular development.

4.42 Kimberlow Hill provides views towards The Minster and Heslington Church. The excavation of the hill to provide the development area will mean that the proposed buildings will not impinge directly of these views. The landscaping proposed around the edge of the excavation will soften of the presence of the development from viewpoints.

4.43 Planning conditions can secure appropriate tree protection measures and new landscaping. Lighting can also be conditioned and although guidance advises against planning conditions controlling advertisements beyond the scope of the Advertisement Regulations it is considered in this case that such a condition may be justified given the location of the development within the landscaped buffer.

LOSS OF OPEN SPACE

4.44 The proposal would result in the loss of amenity parkland open space that was developed as part of the East Campus development. The s106 legal agreement secures public access to the land.

4.45 The NPPF at paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

DCLP policy G7 contains similar requirements and complies with the NPPF.

4.46 Whilst the land cannot be described as surplus to requirements as such, nor is replacement land being provided, its loss should be considered in the context of the significant amount of accessible open space land which has been provided as part of the East Campus development. The application proposes a loss of 1.5ha out of a total area of structural landscaping of 51ha (this does not include the areas within the 65ha allocated developable area which will remain undeveloped). This is not considered to be significant and will not unduly harm the additional opportunities for recreation that have resulted from the development of the East Campus.

RETAIL IMPACT

4.47 In accordance with the NPPF and as set out in the Retail Study Update (2014), it is important that the City of York has a hierarchy of centres that are able to adequately service the day to day retail and community needs of the local population in as close a proximity to their homes as possible. This will help to promote sustainable shopping patterns as people should not have to travel far to meet their day to day needs.

4.48 Paragraph 70 of the NPPF states that planning decisions should plan positively for the provision of local shops and other local services to enhance the sustainability of communities and residential environments. It also states that decisions should also guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet their day-to-day needs.

4.49 Policy S10 of the DCLP states that permission will be granted for the development of local shops provided that the development is within defined settlement limits, the shop is intended to serve a local need and the scale of the provision is appropriate to the locality and there is no adverse effect on the amenity of neighbouring property or the character of the area.

4.50 The application proposes a new neighbourhood parade which is likely to cater for the day to day needs of the immediate local population as well as the East

Campus. Yarburgh Way, Badger Hill and Main Street, Heslington which are in reasonably close proximity to the application site and provision at the West Campus have been identified through subsequent work to the Retail Study Update as performing existing neighbourhood centre roles. These neighbourhood parades are outside of a 10 minute walk of the main developed area of the East Campus.

4.51 Policy R1 of 2014 Publication Draft Local Plan seeks to safeguard the existing neighbourhood centres. It requires that any proposals for additional retail provision outside of these centres is subject to the requirements of policy R4. Policy R4 states that out of centre retailing will only be permitted where it cannot be accommodated in a sequentially preferable location and where it will not result in a significant adverse impact on a defined centre. In accordance with the NPPF only very limited weight can be attached to the policies in the emerging Local Plan as these have not been consulted upon (or have had limited consultation) or tested through examination. The definition of a centre in the NPPF excludes small parades of shops of purely neighbourhood significance.

4.52 Paragraph 26 of the NPPF does not require an applicant to provide a retail impact assessment if the development is under 2500sq.m. The proposed retail floorspace in the proposal is 791sq.m. The convenience store, pharmacy and the bakery at Yarburgh Way are likely to face some competition from the proposed retail units. The applicant states that the selection of retail occupants is to be focused on the needs of the university community. There is unlikely to be a butcher in the proposed shops however a sandwich shop and baker is likely to be represented. However in the absence of an adopted policy to protect the neighbourhood centres, competition from small scale developments cannot normally be taken into account when making a planning decision.

4.53 The applicant states that the scale of the retail provision is required to provide a viable level of footfall and also to support the medical facilities. The range of uses proposed and the level of provision appears to be reasonable in this location and would not conflict with the policies of the NPPF or DCLP policy S10 which carries limited weight in the decision making process.

4.54 It has been suggested that a site closer to the main developed area of the east campus may be preferable given that the application site is in close proximity to the Yarburgh Way neighbourhood parade. However the applicant has provided justification to support their choice of site outside of the East Campus's vehicle barriers on viability grounds.

HIGHWAYS AND TRANSPORT CONSIDERATIONS

4.55 Access to the proposed development will be taken via a new length of access road served from a new arm being provided onto the existing Field Lane/Kimberlow Lane roundabout. The roundabout was planned to accommodate a fourth arm in the future and as such the design meets the necessary design standards.

4.56 The car parking proposed has been reduced from 101 to 93 spaces. The DCLP maximum standards would permit a maximum of 100 spaces for a development of the scale proposed. A Technical Note by highway consultants acting on behalf of the applicants has demonstrated through an agreed methodology that 75 car spaces would be an appropriate level of provision. Officers from Highway Network Management consider that the level of parking proposed is excessive and has not been substantiated. However whilst officers consider that a further reduction in car parking could be achieved, in assessing this position against the NPPF and given that it is below maximum standards the proposed parking level are on balance acceptable.

4.57 Surrounding streets and the adjacent highway are protected by various waiting restrictions which will prevent indiscriminate parking. Concerns have been raised that the car parking facilities within the site will be abused by commuters working at the university. The use of the car park is under the control of the applicants and it would not be in their interests to allow the car park to be filled with vehicles that do not belong to customers using the development.

4.58 The site is located within a short walking distance of bus stops served by frequent services which is in accordance with DCLP policy T7c (Access to Public Transport). In the locality there is an extensive network of pedestrian and cycle facilities which will serve the development. Access points into the development site have been designed in order to give pedestrian priority. Further detailed design is required but it is envisaged that such crossings will take the form of at grade crossings (the footway continues through at level). Cycle parking facilities have been provided around the site and are separated between covered/secure staff provision and visitor provision. Detailed design of the cycle parking can be covered by a suitably worded condition.

4.59 No Travel Plan has been submitted but the requirement for one can be covered through a suitably worded condition.

4.60 Condition 9 of the Secretary of State's approval for the East Campus allows for up to 1500 car parking spaces subject to a proviso that any spaces above 500 no. would not increase the traffic generated at 3 principal junctions above agreed levels (Grimston Bar/A64; Melrosegate/Hull Road and Fulford Road/Heslington Lane). Condition 7 requires mitigation measures if predicted traffic flows from each new reserved matters application within the campus breach the agreed limit. Condition 33 states that no more than 150 car parking spaces should be accessed from Field Lane. The current application is not bound directly by these conditions, however representations have been made that the spirit of these conditions should be applied to this development. The 150 space limit was imposed because the Inspector considered that a large 500 space central car park accessed from Field Lane (as proposed) would undermine the objectives of the University's Green travel Plan.

4.61 There are no technical or highway capacity reasons to restrict the size of the proposed car park beyond what is proposed by the developer. A Transport Assessment has been submitted which demonstrates that there would be no adverse impact on the operation of the Field Lane/Kimberlow Lane roundabout, or on the wider road network, as a result of the development. The reason for imposing condition 33 is not directly relevant to this proposal. Car parking has to be provided for the retail and medical facilities for them to be viable and for operational reasons.

RESIDENTIAL AMENITY

4.62 The development would be around 140 metres from the nearest dwelling in Field Lane. The closest retail unit would be about 160 metres away from the nearest dwelling. As such there is unlikely to be any significant noise impacts from the operation of the development or from additional car movements. The proposed restaurant and takeaway uses both have the potential to cause loss of amenity due to odours associated with cooking of food if there is insufficient odour control.

4.63 It would be reasonable and necessary to impose planning conditions to require suitable kitchen extract and odour controls systems. Hours of operation can also be proposed through a planning condition if Members considered that this was necessary to protect residential amenity. No specific hours of use are proposed in the application form. The introduction of hot food takeaways, cafe/restaurants and potentially late opening retail premises could result in late night noise and disturbance which would be harmful to residential amenity.

4.64 There is potential for anti-social behaviour related to late night uses and the unauthorised use of the car park. The Police Designing Out Crime Officer has recommended conditions in respect of crime and design.

4.65 The design and appearance of the proposal would not be unduly harmful or overbearing in views from residential property.

4.66 Subject to appropriate conditions the proposals are considered to comply with policies S6, S10 and GP1 in respect of their aims of reducing the impact of development proposals on local residential amenity. These policies are considered to be in accordance with the NPPF in this respect.

ARCHAEOLOGY

4.67 The development proposal lies within an area which was evaluated in 2004/05. Archaeological features were recorded in trenches which produced material of dating to the Iron Age and Anglian periods. The development will have an impact on archaeological features and deposits that lie on this site. These deposits must be recorded prior to development taking place. This recording exercise will be most efficient realised by the controlled stripping of topsoil and such subsoil as is necessary to reveal archaeological features and deposits, and subsequent cleaning,

mapping and excavating a sample of the features and deposits. A planning condition can secure this work.

EQUALITIES ACT 2010

4.68 S.149 of the Equalities Act 2010 requires the local planning authority to exercise its functions having due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics included disability, sex, age and pregnancy and maternity. The proposed closure of the West Campus and Hull Road Surgeries potentially engages s.149 of the Act.

4.69 The Practice has undertaken a consultation exercise for all patients and on-going consultation continues with the practice's Patient Participation Group and Patient Working Party. Points raised by patients such as disabled access have been addressed by ensuring the new build is fully DDA compliant and the needs of the elderly with long term conditions have been highlighted with the focus on the community hub and dementia service.

4.70 The justification for the proposed relocation of the health services is to improve the service that the practice is able to provide for all patients, whichever group they are in, and in the process:-

- improve physical accessibility of the premises and services
- be in a more accessible location in terms of access by a range of travel modes
- improve availability of the services by increasing the capacity of the premises and hence the through-put of consultations and treatments.

4.71 In terms of the closure of two of the existing services they state that:

- The West Campus surgery is located within the campus and served by an oversubscribed University pay and display car park. It is not prominent for the general public, where aged and/or disabled, pregnant or patients with young children are more likely to be concentrated. The premises are too small to provide an adequate service to the size and variety of the patient list.
- Hull Road surgery is a converted detached bungalow with on street parking, as available. The premises are no longer suitable for a modern health service in terms of facilities.

4.72 The Practice consider that they have complied with the provisions of the Act. In making its decision the local planning authority has to have due regard to the aims of the Act. This is part of the planning balance and it is considered that the provision of new facilities when balanced against the loss of the existing facilities does not unduly impact on any persons with protected characteristics.

4.73 It is noted that the requirements of the Act will also be considered through the NHS approval process.

5.0 CONCLUSION

5.1 The application site is situated within the general extent of the Green Belt. Planning policy dictates that substantial weight should be given to any harm to the Green Belt and that inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.2 The applicant has advanced the following other considerations, which they consider to amount to very special circumstances in respect of the proposal:

- The proposed development is required to meet an existing and growing need for health services and convenience shopping for University of York students and staff. Very few students have access to cars and many staff utilise non-car modes to arrive at work. The university community needs on-site facilities so that the campus is established as an appealing place to live, work or study.
- The University has an obligation under the section 106 agreement to make their student housing as attractive as possible in order to reduce the pressure on the city's housing stock. The lack of facilities for the student population has led to negative perceptions of living on this campus.
- It is essential that it is accessible to the local community due to the need to maintain viability during University vacations. Therefore the development is located outside of the barriered access roads and is thus outside of the allocated area designated for development in the approved masterplan.
- A sequential test has failed to identify an alternative an alternative location which could be conveniently located for the University community and still be viable and deliverable for the operators of the health and retail facilities.

5.3 The proposal constitutes inappropriate development for the purposes of para 88 of the NPPF, and by definition causes harm to the Green Belt. Because of its location the proposed development would result in some limited harm to the openness of the Green Belt and encroachment into the countryside, but is not considered to conflict with other green belt purposes set out at para 80 of the NPPF. More significant harm would be caused to the landscaped setting at the Field Lane entrance to the campus of the East Campus, however the layout, design and proposed landscaping will help to mitigate this harm to some degree.

5.4 It is considered that the other considerations put forward by the applicant outlined above, together with the mitigation of other harm through planning conditions clearly outweigh the potential harm to the Green Belt by reason of

inappropriateness and any other harm, and thereby amount to very special circumstances to allow the inappropriate development in the York Green Belt.

5.5 The other impacts of the development do not result in significant harm and can be mitigated through planning conditions.

5.6 The Town and Country Planning (Consultation) (England) Direction 2009 requires that proposals that constitute inappropriate development within the Green Belt are referred to the Secretary of State for consideration.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

Approve subject to the following conditions after referral to Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2009:

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 VISQ8 Samples of exterior materials to be app
- 4 LAND1 New Landscape details
- 5 LAND3 Protection of existing planting
- 6 The development shall provide the following minimum or maximum level of floorspace and number of units unless otherwise approved in writing by the local planning authority following the prior submission of a planning application under section 73 of the Act (variation of condition)
 - i/ a doctor's surgery of no less than 836 square metres.
 - ii/ no less than 3 shop units (use class A1(including the pharmacy)) totalling not less than 650 square metres.
 - iii/ no more than 2 hot food take-aways (use class A5) totalling not more than 186 square metres.
 - iv/ no more than 2 cafe/restaurants (use class A3 where the primary use is for the sale of food and drink for consumption on the premises) totalling not more than 186 square metres.

Reason: In order to provide the broad range of services and facilities put forward by the applicant as very special circumstances outweighing the presumption against inappropriate development in the Green Belt; to avoid a concentration of uses which may have an adverse impact on the environmental qualities of the area through noise and late night traffic

generation; to avoid the amalgamation of units which may have an undue impact on shopping facilities in the wider area.

- 7 The shop, take-away and cafe/restaurant uses shall not be open to visiting members of the public outside of the following hours:

07.00 - 23.00 on any day.

Reason: In order to protect the living conditions of nearby residential properties from harmful late night noise and disturbance.

- 8 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval prior to its installation. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Reason: In the interests of the living and working conditions of nearby properties

Informative:

It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

- 9 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval prior to their installation. The 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.

Reason: In the interests of the living and working conditions of nearby properties

Informative: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

- 10 No part of the site shall be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Full Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of first occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

- 11 HWAY1 Details roads, footpaths, open spaces req.
- 12 HWAY14 Access to be approved, details reqd
- 13 HWAY18 Cycle parking details to be agreed
- 14 HWAY19 Car and cycle parking laid out
- 15 HWAY40 Dilapidation survey
- 16 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by

the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to destruction by any ground works proposed.

17 LC4 Land contamination - unexpected contamination

18 Prior to the development being first brought into use a minimum of one free standing, weatherproof vehicle recharging unit shall be provided within the car parking area for use by staff and visitors to the development

Reason: In line with the NPPF and the council's adopted Low Emission Strategy any aspect of development that includes car parking should include facilities for the recharging of electric vehicles.

19 Prior to the development coming into use details of a scheme of external lighting shall be submitted to and approved by the local planning authority. The lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of the development. Details shall include position and design of lighting columns and fittings, details of the spread of light including methods to mitigate its spread, hours of operation of the lights and any security lighting proposed.

Reason: In the interests of the visual amenity of the area and the living conditions of nearby residential property.

20 Notwithstanding the provisions of the Advertisement Regulations 2007 no illuminated advertisement shall be displayed within the development site without the details having been approved by the local planning authority through this condition. The advertisement shall thereafter be displayed in accordance with the approved details.

Reason: The development stands within an area of landscaping and open space surrounding the new University East Campus. It is considered that illuminated advertisements may harm the appearance of the wider area and as such their display should be controlled by the local planning authority.

21 Full details of enclosed areas for the storage of waste and re-cycling shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of any building on the site. The approved storage areas shall thereafter be provided prior to the first occupation of any building and shall be retained thereafter.

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

- 22 No construction of the roads, car parks or buildings shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and so that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

INFORMATIVE

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDs). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort, therefore sufficient evidence such as infiltration testing to BRE Digest 365 and witnessed by City of York Councils Flood Risk Management Team should be provided to discount the use of SuDs. If SuDs methods can be proven to be unsuitable then in accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments 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/hectare shall be used for the above.

- 23 The hours of construction (including excavation works), loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

- 24 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
where contractors will park
where materials will be stored within the site
measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of the amenity of local residents, the free flow of traffic or the safety of highway users. The method of works statement is required prior to the commencement of development because of the impacts of the development process which it is designed to manage.

- 25 VISQ4 - Boundary details to be supplied

7.0 INFORMATIVES:

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:

Undertook pre-application discussions
Requested revised drawings
Imposed reasonable planning conditions

2. INF1 - Consent for highway works
3. INF2 - Contact utilities

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