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24 May 2007

Our Ref: APP/C2741/V/05/1189972

Your ref: udppi603b.cc

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)
APPLICATION BY THE UNIVERSITY OF YORK
LAND SOUTH OF FIELD LANE, HESLINGTON, YORK
APPLICATION REF: 04/01700/OUT**

- 1 I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, H G Rowlands, BA(Hons), DipTP MRTPI, who held a public inquiry on dates between 25 April and 1 December 2006 into your client's application for planning permission for the development of a university campus on land south of Field Lane, Heslington, York.
2. It was directed on 14 September 2005, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to the Secretary of State for decision instead of being dealt with by the relevant planning authority, the City of York Council ("the Council").

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted, subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation. A copy of the Inspector's report (IR) is enclosed. All paragraph references, unless otherwise stated, are to that report.

Procedural Matters

4. The Secretary of State observes that Mr Anthony J Wharton was appointed to act as assistant inspector in this case but has played no part in the preparation of the Inspector's report (IR 1). The Secretary of State also notes that Landmatch Limited, owners of part of the application site, formally withdrew their objection to the planning application on 27 March 2006 (IR 3).

5. In reaching her decision the Secretary of State has, like the Inspector (IR 35), taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement (ES) complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the application.
6. Since the close of the Inquiry the Secretary of State has received correspondence relating to this case. Correspondence was received from:
 - Dr Guy R Woolley (dated 24 January 2007)
 - Chris Hawkeswell (dated 15 April 2007)
 - Hugh Bayley MP (dated 16 April 2007)

Copies can be made available upon written request to the above address. The Secretary of State considers that the correspondence neither raised significant issues material to the application before her, nor necessitated reference back to the parties.

Policy Considerations

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the Regional Spatial Strategy for Yorkshire and the Humber (RSS) to 2016 published in December 2004 and the North Yorkshire County Structure Plan Alteration No 3 adopted in October 1995 (NYCSP). The Secretary of State agrees with the Inspector that the development plan policies most relevant to this case are those set out in IR 17-21 and IR 23-31.
8. Material considerations include Planning Policy Statement (PPS) 1 "*Delivering Sustainable Development*", Planning Policy Guidance Note (PPG) 2 "*Green Belts*", PPS3 "*Housing*", PPG4 "*Industrial and Commercial Development and Small Firms*", PPS6 "*Planning for Town Centres*", PPS7 "*Sustainable Development in Rural Areas*", PPS9 "*Biodiversity and Geological Conservation*", PPG 13 "*Transport*", PPG15 "*Planning and the Historic Environment*", PPG16 "*Archaeology and Planning*", PPS23 "*Planning and Pollution Control*", PPG24 "*Planning and Noise*", PPS25 "*Development and Flood Risk*", Circular 11/95 "*The Use of Conditions in Planning Permissions*", and Circular 05/2005 "*Planning Obligations*".
9. The Secretary of State has also taken into account the emerging RSS as a material consideration. The Secretary of State notes that the independent panel submitted their Panel Report to her on 20 March 2007. She concludes that, at this stage, the emerging RSS can only be accorded limited weight.

10. The Secretary of State notes that there is no adopted Local Plan for the City of York. Whilst observing that the Council has approved the City of York Draft Local Plan (DLP) Incorporating the Fourth Set of Changes (April 2005) for development control purposes (IR 624), she agrees with the Inspector's reasoning and conclusion set out at IR 627 that, as the Council decided not to proceed to the adoption of the Local Plan, very little weight should be given to its policies for the site in the determination of this application.
11. The Secretary of State is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application having regard to the development plan unless material considerations indicate otherwise. In this case, the City of York Local Plan was placed on deposit in 1998 but has not progressed to adoption. This means the Secretary of State can give it very little weight. This situation clearly creates uncertainty both for the planning authority and developers and she hopes that the City of York Council will rectify this by taking the necessary steps to adopt their Local Development Framework as soon as possible. In the meantime, the Secretary of State has gone on to consider the proposal in the light of the current development plan, national guidance and other material considerations.
12. The Secretary of State has also taken into account the consultation paper on "Planning and Climate Change", the supplement to PPS1, published for consultation in December 2006, but as that document is still in draft and may be subject to change, she affords it little weight.

Main Issues

13. The Secretary of State agrees with the Inspector that the main considerations in determining the proposal are those identified in the call-in letter and set out at IR 4 A-R. She considers these below.

Development Plan

14. The Secretary of State agrees with the Inspector that the development plan and policies therein most relevant to this application are set out at IR 618-620. She also agrees with the Inspector that the proposal conforms with the Green Belt Policies of the RSS and NYSP (IR 621). The Secretary of State notes that there is no dispute that the development of a university campus is inappropriate development in the Green Belt, and agrees with the Inspector that there are very special circumstances in this case sufficient to clearly outweigh the limited harm that would be caused to the purposes of the Green Belt (IR 621 & 662). The Secretary of State's consideration of the Green Belt issues and the very special circumstances put forward are outlined fully in paragraphs 19-22 below. For the reasons set out in IR 622, the Secretary of State agrees with the Inspector that, as the proposal would be accessible by good public transport and would form an extension to the urban area, it complies with the thrust of the relevant RSS policies.
15. The Secretary of State notes that the emerging RSS includes policies that recognise the role of York in driving the sub regional economy and that the

expansion of York University is a Regionally Significant Investment Priority. However, she agrees with the Inspector that, for the reasons set out in paragraph 9 above, only limited weight can be attached to these policies (IR 623). She also notes the Inspector's comments relating to the DLP (IR 624-626) and agrees with the Inspector, for the reasons set out in IR 627, that very little weight should be given to the DLP's policies for the site in the determination of this application.

PPS1 - Delivering Sustainable Development

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the extent to which the proposal is consistent with PPS1, as set out in IR 628-646. The Secretary of State observes that most parties accept the benefits that the University has brought to the City and the region and acknowledge the University's need to expand (IR 639). For the reasons set out in IR 633-636 the Secretary of State agrees with the Inspector and accepts that the proposed new campus is required in the proposed location because there are no other suitable sites available and because the location has sustainability advantages. The Secretary of State also agrees with the Inspector that it is not possible to develop within the existing Heslington West campus where many departments are at capacity now and the scope for additional development is limited (IR 638 & 651-654).
17. For the reasons set out in IR 641-642, the Secretary of State agrees with the Inspector that, overall, given the location of the site and its relationship to existing development in the area, the environment of the area would not be harmed by the proposed development. She also agrees with the Inspector (IR 643-645) that the proposal would not have such a pre-determinative effect as to render it premature in terms of PPS1.
18. Whilst noting that the character of the application site would be changed by the proposed development, the Secretary of State agrees with the Inspector that the overall character of the area would not be harmed (IR 646). She also agrees with the Inspector that there is no reason why the development should not achieve a high standard of design, consistent with advice from CABE (IR 646).

PPG2 - Green Belt

19. The Secretary of State agrees with the Inspector's reasoning surrounding the status of the Green Belt around York and whether it is reasonable to treat the site as if it lies within the Green Belt (IR 647-648). She also agrees with his conclusion, set out in IR 648, that there is no reason to question its inclusion in the Green Belt.
20. The Secretary of State agrees with the Inspector that the very special circumstances put forward by the University are only capable of becoming very special circumstances if there are no suitable alternative means of accommodating the proposed development on land that is not located within the Green Belt (IR 649-650). For the reasons set out in IR 651-661, the Secretary of State agrees with the Inspector's conclusion that, in combination,

the educational need for the University to expand, the considerable economic benefits to the City and the region that would be derived from the expansion of the University, and the absence of alternative sites, are together very special circumstances when weighed against the harm caused to the purposes of the Green Belt and any other harm resulting from the development (IR 662). She further agrees that the collection of benefits put forward by the University that mitigate the harm through inappropriate development within the Green Belt do not, in themselves, add to the very special circumstances (IR 663).

21. For the reasons set out in IR 664, the Secretary of State agrees with the Inspector that the development would not result in urban sprawl, would not set a precedent for other forms of inappropriate development within the Green Belt and it would be contained within clearly defined physical boundaries.
22. The Secretary of State agrees with the Inspector's reasoning in IR 665-668 and concludes that the proposed development would not conflict with the purposes of including land in the Green Belt, as set out in PPG2.

PPS3 - Housing

23. The Secretary of State notes that, when evidence relating to housing was presented at the inquiry, PPG3 was the national planning guidance on housing. It has subsequently been replaced by PPS3. The Secretary of State does not consider that the deletion of PPG3 and its replacement by PPS3 raises any new issues that require reference back to parties.
24. The Secretary of State agrees with the Inspector's reasoning and conclusion that previously developed sites within the City are more appropriately reserved for general housing, employment and other developments of benefit to the wider community (IR 669). She also agrees with the Inspector, for the reasons set out in IR 670, that the development would be accessible by a range of transport modes. The Secretary of State agrees with the Inspector that, having regard to the location of the application site on the periphery of the urban area, and the importance of maintaining the setting of the historic City and the setting of Heslington Conservation Area and its listed buildings, a higher density of development within the proposed campus would not be appropriate (IR 671). The Secretary of State notes that the provision of 1500 car parking spaces is below the level indicated by either PPG3 or PPG13. She agrees with the Inspector that this reduced level of provision represents an efficient use of land (IR672).
25. The Secretary of State agrees with the Inspector's conclusion that a standard of design can be achieved on the application site which maintains the quality of the local environment and the setting of the City (IR 673).
26. The Secretary of State agrees with the Inspector's overall conclusion that the proposal is consistent with the advice in PPG3 and with that contained in PPS3 (IR 674).

27. The Secretary of State observes that some local residents are concerned with the effect of the proposed increase in student numbers on the operation of the housing market and on residential amenity (IR 675). She notes the Inspector's reasoning in IR 676-679 and agrees with him that the key factor in respect of this issue is that the proposal would provide for up to six new colleges which could accommodate up to 3,600 students. Additionally, the Section 106 Agreement provides an undertaking to meet the demand for accommodation from all full-time, non-home based students, subject to the caveat that it is economically prudent to do so. The Secretary of State agrees with the Inspector's reasoning and conclusion (IR675-681) that the proposed new campus should not significantly alter any adverse effects that the local community may experience as a result of the presence of the University.

PPG4 - Industrial, Commercial Development and Small Firms

28. The Secretary of State agrees with the Inspector's reasoning on the extent to which the proposed development is consistent with PPG4, as set out in IR 683-687 and agrees with his conclusion that the development conforms with the advice in PPG4 (IR 688).

PPS6 – Planning for Town Centres

29. The Secretary of State agrees with the Inspector that PPS6 guidance is of limited relevance to the proposal (IR 689) and agrees with his conclusion that, in so far as PPS6 applies to the proposed development, the proposal would not undermine the objectives of national planning policy (IR 692).

PPS7 - Sustainable Development in Rural Areas

30. For the reasons set out in IR 693-699, the Secretary of State agrees with the Inspector and does not consider that the proposed development undermines the objectives of PPS7 having regard to the fact that alternative sites in more sustainable locations are not available (IR 700).

PPS9 - Biodiversity and Geological Conservation

31. The Secretary of State notes that the application site is not identified as being a Site of Special Scientific Interest, a Geological Conservation Site, or a Regionally Important Geological and Geomorphological Site and agrees with the Inspector (IR 702) that the development would not have an adverse impact on the local geology.
32. Whilst accepting that the proposed development would have some negative impact on species that thrive on open agricultural land (IR 704), the Secretary of State agrees with the Inspector that there would be no negative impact on any site of international, national or local biodiversity interest and no negative impacts on any species as specifically protected under the Habitats Directive and the Wildlife and Countryside Act 1981. She concludes, like the Inspector, that the proposal is in conformity with the advice in PPS9 (IR 705).

PPG13 - Transport

33. The Secretary of State notes that the site is not in an intrinsically sustainable location in so far as it is located on the southern edge of the City (IR 707). However, she agrees with the Inspector that there are no available alternative sites in more accessible locations. The combination of uses within one extended university campus would also reduce the need to travel compared with the situation if the proposed new university facilities were to be located on a number of sites within the City (IR 707).
34. For the reasons set out in IR 708-719, the Secretary of State agrees with the Inspector's conclusion (IR 720) that, overall, the proposed development complies with the objectives of the guidance in PPG13.

PPG 15 - Planning and the Historic Environment

35. The Secretary of State notes the requirement to consider the desirability of preserving the setting of the two listed buildings affected by the development, Heslington Hall and Heslington church (IR 723), as well as the desirability of preserving or enhancing the character of a conservation area (IR 725).
36. For the reasons set out in IR 725-732, the Secretary of State agrees with the Inspector's conclusion in IR 733 that, while some elements of the proposed development would have an adverse effect on the setting of the Church and the character and appearance of the Conservation Area, the area would benefit from the enhancement of the setting of Heslington Hall. She also agrees that, on balance, the overall effect on the character and appearance of the area and the setting of its listed buildings would be neutral. The Secretary of State agrees that the development is consistent with the advice in PPG15 (IR 733).

PPG16 - Archaeology and Planning

37. The Secretary of State agrees with the Inspector's conclusion in IR 734 that the development need not have an adverse impact on archaeological remains subject to appropriate mitigation measures being implemented, and that the proposal complies with the advice in PPG16.

PPG17 - Planning for Open Space

38. The Secretary of State agrees with the Inspector that the proposal would meet some of the identified deficiencies in provision and furthers the objectives of PPG17 (IR 736). She also agrees that the provision of the proposed additional facilities would make the University more attractive to potential students, and so help to retain its status (IR 737).

PPS23 - Planning and Pollution Control

39. The Secretary of State agrees with the Inspector, for the reasons given in IR738-742, that given the mitigation measures imposed by condition, the proposal would be consistent with the advice in PPS23.

PPG24 - Planning and Noise

40. The Secretary of State agrees with the Inspector's reasoning in IR743-746 and agrees that the proposal would not have an unacceptable impact on noise and is consistent with the advice in PPG24.

PPS25 - Development and Flood Risk

41. The Secretary of State notes in IR747 that, when evidence pertaining to flood risk was presented at the inquiry, PPG25 was the national planning guidance on development and flood risk. PPG25 has subsequently been replaced by PPS25. The Secretary of State agrees with the Inspector in IR747 that the development and flood risk issues remain as originally identified by the Secretary of State and considered at the inquiry. She therefore concludes that the deletion of PPG25 and its replacement by PPS25 does not raise any issues that require a reference back to parties.
42. For the reasons given in IR747-749, the Secretary of State agrees with the Inspector that the proposal is consistent with the advice in PPS25. She further agrees with the Inspector in IR750 that a drainage system could be designed that should ensure the hydrology of the lake would be sustainable.

Other Matters

Condition and Obligations

43. The Secretary of State agrees with the Inspector's reasoning and conclusions on planning conditions and the s106 agreement, as set out in IR 610-616. Overall, she considers that the proposed conditions are reasonable and necessary and meet the tests of Circular 11/95. The Secretary of State also considers that the signed and dated s106 Agreement, submitted and discussed at the inquiry, is both necessary and relevant to the proposed development and meets the policy tests of Circular 05/2005.

Overall conclusions

44. The Secretary of State agrees that a University campus is not an appropriate form of development in the Green Belt, and it is therefore necessary to consider whether there are very special circumstances that clearly outweigh the harm that the development would cause to the purposes of including land within the Green Belt, and any other harm. For the reasons given above, the Secretary of State considers that there are very special circumstances which outweigh the harm and that there are no alternative sites which are suitable and viable for the proposed development.

Formal Decision

45. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby grants planning permission for the development of a university campus on land south of Field Lane, Heslington, York, in accordance with application number 04/01700/0UT, dated 30 April 2004, subject to the conditions appended in Annex A.
46. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.
47. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.
48. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

49. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.
50. A copy of this letter has been sent to the City of York Council and all parties who appeared at the inquiry and expressed an interest in receiving a copy of the decision.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Richard Watson', written in a cursive style.

Richard Watson

Authorised by the Secretary of State to sign in that behalf

Annex A - Planning conditions

Condition 1

The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted and later amended by the revised drawings or in accordance with any minor modification there of that may be approved in writing by the Local Planning Authority. The approved plans are as listed below and received by the Local Planning Authority on the date indicated:

Plan A received 30 April 2004

Plan C (i) received on 30 April 2004

Plan C (ii) received on 30 April 2004

Plan C (iii) received on 30 April 2004

Plan F (i) received on 30 April 2004

Plan F (iii) received on 30 April 2004

Plan F (ii) A received on 25 February 2005

Plan F (v) received on 22 September 2004

Plan 2 received on 15 February 2005 (construction access and haul routes)

Plan 6 received on 15 February 2005 (works to Grimston Bar junction)

Plan 3 dated 30 November 2004 (parking survey areas)

Condition 2

Approval of the details of the siting, design, external appearance of the buildings and the landscaping of the site (to include re-profiling of ground levels) (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the development to which the submitted details relate is commenced.

Condition 3

All reserved matters shall be submitted to the Local Planning Authority for approval not later than the expiration of twenty years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Condition 4

The development shall be in accordance with submitted plan C (i) and the developed footprint within the allocated area as shown on Plan C (i) shall not exceed 23% of that area. Developed footprint comprises buildings, car parks and access roads. Access roads are to be defined with the approval of the design brief required in condition 11.

Condition 5

Development on the site will be restricted to University uses, including the following:

- (a) Academic, teaching, research and continuing professional development uses
- (b) Housing for University of York staff and students
- (c) Arts, cultural, sports and social facilities ancillary to the above uses
- (d) Uses ancillary to the University
- (e) Conferences

(f) Uses which are knowledge based activities, including Science City York Uses, that can demonstrate that they need to be located on the site due to aspects such as sharing of research and development ideas, resources or personnel, or undertaking of research activities within the University of York

(g) Necessary Support Services to uses included in (f) above, including financial, legal and other professional and technical services occupying no more than 10% of the total floor space reserved under (f) above.

Science City York Uses that will be acceptable on the site are defined as being those:

(i) which operate within a high technology sector and/or engage in innovative activities; and

(ii) which have a focus on research and development, product or process design, applications engineering, high level technical support or consultancy; and

(iii) where a minimum of 15% of the staff employed are qualified scientists or engineers. (Qualified scientists or engineers are those qualified to at least graduate level in physical, biological, social sciences or humanities disciplines related to the work of Science City York).

The developer shall maintain a register of the uses under (f) and (g) above which are located on the site and this shall show how each use complies with the criteria set out in (f) and (g). Such register shall be available for inspection by the Local Planning Authority at all reasonable times.

Those uses identified as falling within (f) and (g) shall occupy no more than 25 hectares (at 23% of developed footprint) of the 'allocated area' as shown on submitted Plan C(i).

Condition 6

The developer will undertake an annual survey of traffic travelling to and from the University together with a survey of traffic through the following three principal junctions:

Grimston Bar Roundabout/A64 junction

Melrosegate/Hull Road traffic signal controlled junction; and

Fulford Road/Heslington Lane traffic signal controlled junction.

The surveys will be undertaken in the period between 07.00 hours and 19.00 hours on a weekday and month approved by the Local Planning Authority. The first such survey shall be undertaken before the commencement of development (which shall

exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan). The developer will determine by reference to the surveys the volume of University related traffic through the junctions. Using the forecasts of traffic generation and distribution for the University from the submitted transport assessment the developer will develop a traffic model to predict traffic flows related to the University at each of the junctions in accordance with a phased programme agreed with the Local Planning Authority.

In addition, prior to the development commencing and annually thereafter, the developer will undertake a survey of traffic at the junction between University Road/Field Lane/Main Street South/Main Street West.

The results of the surveys and the current predictions shall be submitted to the Local Planning Authority within 3 months of the date of the surveys and shall be used to accompany applications submitted for approval of reserved matters for buildings as set out in condition 7.

Condition 7

Every application for approval of reserved matters for a building of floorspace greater than 500 sqm will be accompanied by a comparison of the predicted traffic flows related to the University (obtained from the traffic model) with the volumes derived from actual surveys of traffic flows related to the University, carried out as required by condition 6. If the actual surveyed traffic volumes related to the University at the three principal junctions identified in condition 6 are more than 5% higher than the predicted traffic flows in the morning and peak periods, the developer shall prepare details of mitigation measures and an associated implementation programme to reduce the actual traffic flows to the predicted levels. The agreed mitigation measures shall be submitted to the Local Planning Authority for approval and implemented by the developer. For the avoidance of doubt the peak hours above shall be considered to be between 08.00 and 09.00 hours and 17.00 and 18.00 hours during the working week within University and school term time.

Condition 8

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), details for the implementation, monitoring and review of the submitted Sustainable Travel Plan for the University (outline planning application Document 3.3) shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include early implementation of the peripheral parking strategy and University Transit System, provision of information on sustainable travel, targets for mode share, timescales for implementation, monitoring and reporting on the Plan.

Condition 9

No more than 500 parking spaces may be brought into use upon the occupation of the first building. Additional parking spaces up to the 1500 approved by this permission may be brought into use if:

- (i) the details of location and construction of the permitted car park spaces are submitted to and approved in writing by the Local Planning Authority; and
- (ii) they are parking spaces which have been relocated from the existing University campus in accordance with proposals in the submitted transport assessment; or
- (iii) their being brought into use will not increase the traffic generated by the proposed development in the peak hours at the three principal junctions identified in condition 6 by more than 5% above the predicted levels as calculated in accordance with condition 6.

Condition 10

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), the developer will carry out a survey of current on-street parking on highways within the area shown on plan 3 and thereafter repeat the survey annually. The surveys shall be carried out to a specification and at a time agreed with the Local Planning Authority.

Within 3 months of the annual survey being carried out, the developer will review the on street parking survey results and submit the review to the Local Planning Authority to demonstrate whether the volume of on-street parking in any of the areas shown on plan 3 has increased by more than 20% of the first annual survey as a consequence of the development.

If this percentage figure is exceeded then remedial measures agreed with the Local Planning Authority shall be undertaken.

Condition 11

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a detailed Design Brief including a masterplan shall be submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with the planning policies in the Development Plan and the adopted Development Brief dated February 2004 and the plans hereby approved. The design brief shall include:

Building heights

Key views as defined in figure 5 of the adopted Development Brief

External materials palette

External lighting design

- Designation of character areas as outlined in submitted plan C (i)

Access roads

- A sustainability strategy for the site developed from requirements of the Development Plan and adopted Development Brief and the applicant's submitted sustainability policy (contained in Document 2 of the submitted outline planning

application). The strategy should be consistent with the York Local Agenda 21 Sustainability Strategy.

The 'reserved matters' should be submitted in accordance with the approved Design Brief.

The approved Design Brief may be revised subject to the written approval of the Local Planning Authority.

Condition 12

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a Landscape Design Brief shall be submitted to, and approved in writing by the Local Planning Authority. The Landscape Design Brief shall include those measures incorporated into the submitted Environmental Statement. Subsequent reserved matters applications for the approval of the detail of landscaping on the site shall be submitted in accordance with the approved Landscape Design Brief. The approved Landscape Design Brief may be revised subject to the written approval of the Local Planning Authority.

Condition 13

Before the commencement of development (which shall exclude any works associated with the undergrounding of overhead electricity lines carried out as 'permitted development' or any evaluation works associated with the Archaeological Remains Management Plan), a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan will include proposals for survey and protection of trees on site. Subsequent reserved matters applications for approval of the details of landscaping on the site shall be implemented and managed in accordance with the approved Landscape Management Plan. The approved Management Plan may be revised subject to the written approval of the Local Planning Authority.

Condition 14

Before the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy Goods Vehicle access to the site. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall include for the provision of a dilapidation survey of the highways adjoining the site. Once approved, the Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Condition 15

Before the commencement of development, an Environmental Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Site Management Plan shall include:

- (i) provision for protection of water resources during construction activities and thereafter during the operation of the site;
- (ii) proposals for the interim use of land prior to its development;
- (iii) implementation and future management of the proposed ecological mitigation measures;
- (iv) implementation and future management of proposed habitat and species enhancement measures.

These measures shall be implemented in accordance with an agreed programme unless otherwise agreed in writing with the Local Planning Authority. The Environmental Site Management Plan shall be reviewed every 5 years from first approval and any amendments agreed in writing with the Local Planning Authority. Any alterations to the measures in the approved Environmental Site Management Plan during any interim period shall be subject to the prior written approval of the Local Planning Authority.

Condition 16

No building or other obstruction shall be located within 5 metres either side of the centre line of the 700 mm water main that crosses the southern edge of site i.e. a total protection strip width of 10 metres.

Condition 17

Before the commencement of development details showing the methodology for protection of the 300 mm water main that runs to the south of the Hull Road access shall be submitted to and approved in writing by the Local Planning Authority, and these protection measures retained in place at all times thereafter.

Condition 18

No building or other obstruction shall be located within 3 meters either side of the centre lines of existing public sewers i.e. total protection strip widths of 6 metres for each sewer that crosses the site

Condition 19

Development shall not begin until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage scheme, in accordance with the principles of sustainable drainage systems set out in national planning policy statements, and the results of that assessment have been provided to the Local Planning Authority. The assessment shall take into account the design storm period and intensity; methods to delay and control the surface water discharged from the site; and, measures to prevent pollution of the receiving groundwater and/or surface waters.

Surface water drainage works shall be carried out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before the development commences. Those details shall include a programme for implementing the works. Where, in the light of the assessment the Local Planning Authority conclude that a sustainable drainage scheme should be implemented, details of the works shall specify:

i) a management and maintenance plan, for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime; and

ii) the responsibilities of each party, for implementation of the sustainable drainage scheme, together with a timetable for that implementation.

There shall be no piped discharge of surface water from the development prior to the completion of the approved sustainable drainage scheme.

Condition 20

Before any works commence on the construction of any building, details of the proposed means of disposal of foul drainage from the site shall be submitted to and approved in writing by the Local Planning Authority, and subsequently implemented in accordance with the approved details.

Condition 21

All noise generated during the site preparation, groundwork and construction phases associated ancillary operations of the use hereby permitted shall meet the following criteria:

LOCATION	MAXIMUM LIMIT	TIME PERIOD
Western boundary of site adjacent to school's outside playing area	50 dB Laeq (30 minutes)	During the School Day
The gardens of dwellings at: (a) western boundary of site on The Crescent (b) northern boundary of the site on Field Lane	70 dBA (1 hour)	A continuous period of up to eight weeks in any calendar year, without the prior written notice of the Local Planning Authority
The gardens of dwellings at: (a) western boundary of site on The Crescent (b) northern boundary of the site on Field Lane	Not exceeding background noise levels	Before 0800 and after 1800 hours Monday to Friday Before 0900 and after 1300 hours on Saturdays At all times on Sundays and Bank Holidays
Within occupied residential buildings on the site	Not exceeding background noise levels	Before 0800 and after 1800 hours Monday to Friday Before 0900 and after 1300 hours on Saturdays At all times on Sundays and Bank Holidays

Before the commencement of development the developer will carry out an acoustic survey of the site boundaries at locations agreed with the Local Planning Authority to establish background noise levels.

Before the commencement of development the developer will submit a scheme to the Local Planning Authority setting out the means of regular monitoring of the noise levels at the agreed locations and this shall be approved in writing by the Local Planning Authority and implemented before the commencement of development.

Condition 22

Details of all machinery plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed mitigation measures. All such approved machinery, plant and equipment shall subsequently be used on the site in accordance with the agreed details. Any approved noise mitigation measures shall

be fully implemented and operational before the associated machinery, plant or equipment to which it relates is first used and shall be appropriately maintained thereafter.

Condition 23

Outside the development area shown as 'allocated area' on submitted Plan A, no temporary works, materials storage or ancillary operations, other than those relating to development hereby permitted outside the allocated development area as shown on the submitted Plan A, shall be carried out.

Condition 24

Construction traffic to the 'allocated area' as shown on submitted plan C (i) shall only enter and leave from accesses to the public highway as shown on submitted Plan 2.

Condition 25

Notwithstanding the approved plans, construction details of the following matters shall be submitted to and approved in writing by the Local Planning Authority before being implemented on the application site in accordance with the approved details:

- Roads and junctions including signalling
- Footpaths
- Cycleways and cycle parking
- Car parking
- External lighting

- Routes for construction traffic and construction site working areas for the access roads and car parking outside the allocated site.

Such submissions and approvals may cover the whole or any part of the application site.

Condition 26

Before the commencement of development, an Archaeological Remains Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall subsequently be implemented. The Archaeological Remains Management Plan shall include the following:

- (i) A strategy for further evaluation work (to include metal detecting survey, geophysical survey and archaeological trenches) directed at understanding the seven less significant areas identified in YAT Report Number 2004/23 'Heslington East, Heslington York: a report on archaeological evaluation';
- (ii) An archaeological excavation and metal detecting survey targeted on the three most significant areas identified in YAT Report Number 2004/23 'Heslington East, Heslington York: a report on archaeological evaluation' and any other important areas identified by further evaluation work in item (i) above;
- (iii) A clear research design context for all further archaeological work;

(iv) A programme of physical and intellectual access during the lifetime of the project for the general public, the local community and schools and colleges, universities and other educational groups;

(v) A timetable for archive deposition and publication.

Such approved Archaeological Remains Management Plan may be revised subject to the approval of the Local Planning Authority.

Condition 27

Details of the proposed re-routing of the overhead power lines shall be submitted to and approved in writing by the Local Planning Authority prior to such works commencing. Re-routing shall be carried out in accordance with the approved details.

Condition 28

Before any works commence on the construction of any building an area plan to show the relationship of the building with surrounding development (built form and use) shall have been approved in writing by the Local Planning Authority.

Condition 29

Each reserved matters application will be accompanied by a statement on sustainability to demonstrate conformity with the approved sustainability strategy contained within the approved Design Brief.

Condition 30

All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

Condition 31

Any ground contamination detected during site works shall be reported to the Local Planning Authority. A programme of remediation for the contamination shall be agreed with the Local Planning Authority in writing and fully implemented prior to any further development on that part of the site.

Condition 32

The proposed western access to the allocated area from Field Lane shown on Plan F (ii) revision A shall not be used for any motorised vehicle other than for the purpose of emergency access, maintenance vehicles operating in connection with the University Transit System for the movement of people and any other types of vehicle the use of which is agreed in writing with the Local Planning Authority prior to its use.

Condition 33

The central access from Field Lane shown on Plan F (i) shall be utilised as access to no more than 150 car parking spaces.

Condition 34

Notwithstanding the approved plans, a fully detailed scheme of foundation design and construction for any development on the former landfill area outlined by the thin solid red line in figure 19.3.1 of the Environment Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development within that area. The approved scheme shall be fully implemented prior to the area coming into use.

Condition 35

Before the commencement of development, a method of sampling and validation of imported and excavated ground materials shall be submitted to and approved in writing by the Local Planning Authority to ensure that such materials that are used on site are not contaminated. This should include details of the origin of such materials.