

## COMMITTEE REPORT

**Date:** 15 June 2017                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 17/00284/FULM  
**Application at:** The Cocoa Works Haxby Road York YO31 8TA  
**For:** Conversion and extension of the former Almond and Cream blocks to form 258no. apartments; demolition of buildings to the rear of the Joseph Rowntree Library and rear extension to accommodate concierge and community room; erection of convenience store and associated access, car parking, cycle stores and landscaping  
**By:** York 123 Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 12 May 2017  
**Recommendation:** Approve subject to S106

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application relates to the remaining Almond and Cream former factory buildings and the land to the front, which includes gardens, functional single storey buildings and the grade II listed Joseph Rowntree Memorial Library. It also includes part of Haxby Road where alterations are proposed to accommodate the proposed vehicular access.

1.2 After the factory buildings closed in 2007 the area was designated as a conservation area and the library was grade II listed.

1.3 The application site covers 1.89 hectares. It fronts onto Haxby Road to the east and is bounded by the still operational factory to the north and the Sustrans cycle path to the south. To the west, the remainder of the Cocoa Works site has been cleared of the old factory buildings and currently lays vacant; awaiting redevelopment.

#### PROPOSALS

1.4 The plans have been revised following consultation and of note only a single extra storey is now proposed to the roof, reducing the number of dwellings proposed.

1.5 The application is for the following works associated with the conversion of the main building to 258 dwellings, creation of an access road and convenience store and conversion of the library to a community hub for the new development -

- Demolition of a number of single storey buildings between the front of the Almond/Cream blocks and Haxby Road
- Conversion and extension of the former factory with single storey roof extension to create 258 apartments. The building facade would be restored.
- Joseph Rowntree Library building to be converted and extended to accommodate a concierge, community function area, cycle parking, maintenance storage and sub-station
- Site access created from Haxby Road at north end of site
- Convenience store and cafe within single storey building adjacent Haxby Road and the proposed access road. Associated customer car park for store and customer cycle parking.
- Cycle parking. Stores for dwellings are either within the main building or within the library complex as detailed in the revised cycle strategy report 26980(06)02 D.
- Car parking for 173 cars on the west and south sides of the factory building.
- Along Haxby Road bus stops are relocated to accommodate the vehicular access and the footpath would be made good where there is a redundant vehicle access into the site.
- There are associated applications for the proposed access and associated works along Haxby Road and Listed Building Consent for works to the library.

## RELEVANT SITE HISTORY

1.6 In 2010 Nestle submitted planning applications for the redevelopment of the Cocoa Works, which included this application site and the land to the west, extending to Wigginton Road. The scheme included the access road as proposed in this scheme. Committee members decided the applications could be approved subject to completion of a legal agreement to secure planning obligations. However legal agreements were never concluded and subsequently the planning applications were not approved. The applications were for the following development -

- A full planning application (10/01960/FULM) for the conversion and alteration of the retained buildings, including the creation of an additional storey, for a mix of uses incorporating residential, live/work, student accommodation, office, retail, a café and associated landscaping, roads and car parking.
- An outline planning application (10/01955/OUTM) for a mixed use development including residential, assisted living, a community centre, gymnasium, crèche and associated car parking, landscaping and highway infrastructure (in addition to the above works)

- A listed building consent application (10/02157/LBC) for the demolition of buildings (single storey structures at the rear of the library) and restoration of the Joseph Rowntree Library, converting it to a cafe.

## **2.0 POLICY CONTEXT**

2.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework and the statutory duties set out below that the application proposal should principally be addressed.

### **NPPF**

2.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations, flood risk areas, site protected under the Birds and Habitats directive and Sites of special scientific interest).

2.3 The presumption in favour of development does not apply to this application, as the site affects designated heritage assets and therefore the more restrictive policies in the NPPF apply.

### **Statutory Duties**

2.4 Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.5 Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

## **Other material considerations**

### **“Development Control Local Plan” 2005 (DCLP)**

2.6 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

2.7 Policies considered to be compatible with the aims of the NPPF and most relevant to the development include

CYGP1	Design
CYGP3	Planning against crime
CYGP7	Open Space
CYNE1	Trees, woodlands, hedgerows
CYNE7	Habitat protection and creation
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYT4	Cycle parking standards

### **Emerging Local Plan**

2.8 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF), particularly as the emerging Local Plan is to be the subject of further consultation and a revised publication draft is anticipated. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

2.9 The application site is recognised in the emerging local plan as a strategic housing site, it is allocated as part of site ST17 ‘Nestle South’ under policy H1 (housing allocations). As a strategic site, it has been subject to detailed testing of deliverability. The estimated yield at site ST17 is 315 dwellings. The site was identified in the Site Selection Paper (2013) and included in the Preferred Sites Consultation (June 2016).

2.10 Relevant emerging plan policies are:

H1	Housing allocations (site ST17 allocated for 315 dwellings)
R1	Retail Hierarchy and Sequential Approach
D2	Placemaking
D4	Conservation Areas

D5 Listed Buildings  
CF1 Community Facilities  
GI6 New Open Space Provision  
ENV3 Land Contamination  
T1 Sustainable Access

## Environmental Impact Assessment (EIA) Screening

2.11 A screening assessment was undertaken in November 2016 and it was determined that the development was not EIA development. The screening assessment reference was 16/02312/EIASN. The Regulations were amended in May 2017 and so a further assessment has been undertaken; reaching the same conclusion that an EIA is not required.

## 3.0 CONSULTATIONS

### INTERNAL

#### Planning and Environmental Management

##### Archaeology

3.1 Although many of the historic internal features of the factory have been lost - some remain such as flooring, handrails, doors etc as shown in the heritage statement. The factory buildings will need to be recorded thoroughly prior to conversion. The recording should also include the access corridor to the library. The 1927 library will also need to be recorded prior to the erection of the extension.

##### Ecology

3.2 The woodland along the (disused railway) cycle path immediately south of the site, and including the trees within the site, is recorded as Priority Habitat deciduous woodland on Natural England's national inventory. Priority Habitats are defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, which means they are a conservation priority.

3.3 This area of trees does not necessarily fit the Priority Habitat definition, being dominated by self-sown sycamore. There is however good ground flora including frequent ramsons (*Allium ursinum*) which is a species that can indicate old, undisturbed ground. This green corridor will also be important for local wildlife such as birds; for example tawny owl and bullfinch which are of Amber conservation status (Birds of Conservation Concern 4 report) are present here.

3.4 Officers asked for proposals to be revised to retain the majority of trees on the southern boundary. It was also recommended that the landscaping be enhanced by using native species, or those with a benefit to wildlife, bird and bat boxes be installed on existing trees or the buildings and that trees be introduced into the car park area. The development should seek to avoid additional light spill on to the trees along the southern boundary.

3.5 Officers have confirmed the revised plans, which reduce the amount of excavation/tree loss alongside the Sustrans route and propose additional tree planting in the rear car park address the concerns originally raised. Conditions are requested to agree external lighting, so this does not unduly affect wildlife and for tree protection during the works.

## Design

3.6 Officers do not object to the scheme although their preference would be for - a minor increase in openness between the courtyard proposed at the rear of the listed library and the gardens and play space proposed to the south; improved pedestrian routes (both along the Sustrans route at the south end of the site and at the north end of the site past the residents car park); more generous landscaped areas by the rear entrances. A detailed method statement for the railing repairs will be required along with large scale details of the new building works.

## Masterplan:

3.7 This application differs in overall approach to the previous 2011 scheme which had a linking pedestrian passageway in the middle of the Cream block giving connection between Haxby Road and the land to the west of the application site. The absence of this hole necessitates the need for strong pedestrian connectivity east-west at both the southern and northern ends of the existing building. As such it is important there be pedestrian priority along the proposed access road.

3.8 A number of proposed buildings are introduced into the site. The convenience store appropriately defines a new urban edge to the new road access, whilst set back from Haxby Rd slightly to allow visual priority to the listed existing library. To the rear of the library new communal-use buildings extend the current remaining fragment of amenity (abandoned subway) structure into a new small courtyard complex of further amenity use. On balance this extension is positive - in grounding the library into a wider scheme of development that frames/guides pedestrian movement within the site plan.

3.9 The main green landscaped open space is swapped from the existing shrub/tree bordered lawn and modern bandstand to the north end of the site, to a new space to the south end. The strategy causes historic landscape loss in the communal value of

continuity but, given the significant proposed changes throughout, the new location is now appropriately at the quieter end of the new site layout.

3.10 The bulk of the parking is appropriately to the rear of the main building- as out of sight as possible. Officers would still prefer more landscaping in the car park area, to better define and give a more attractive setting to the entrance points here.

Proposals for the main existing Almond & Cream building:

3.11 In general proposals are much more restrained in remodelling the existing building when compared to the 2011 scheme.

3.12 The revisions, during the application process, to retain of the existing window fenestration design and removal of the second additional floor proposed are positive and supported changes. Removal of the second additional floor has made a much more balanced design proposal that does not overly dominate the existing building, as demonstrated by the submitted 3D 'sketchup' studies.

3.13 The top floor profile is a slight zigzag envelope on plan (with counter zigzag at roof plan). This could have looked overly fussy but the sheer length of the elevation is assessed here as giving some positive texture to what could otherwise look a bland and highly mono-reflective structure (ideas of glazed top floors as being barely visible to the sky are almost always never achieved in practice due to reflection and illumination). The design also picks up (in a more exuberant way) on the 1930s geometric deco aspects of the architectural style of the existing building. Conditions are required to ensure the lighting is restrained at top floor level and large scale details are required of the structure. Details are also required for the new windows.

Convenience Store:

3.14 The proposed building is wedge shaped on plan which makes for an interesting geometry in roof form (which will be extensively looked down on from the existing Cream building). This roof has taken on an industrial design language in the rows of parallel pitched roofs. This is rather playful (if obvious), especially as expressed on corners, but definitely better than a flat/nearly flat industrial roof or a simplified pitched roof that could easily have raised ridge height. Arguably it could have been a green roof which would have dropped height, but never the less, the proposal is supported here.

Library building(s):

3.15 The proposed new development is designed as a combination of known group uses (bike store, reception etc) with some more desired and yet undetermined group uses (flexible space). It is positive that the applicant sees value in investing in this type of space as a contributor to community cohesion and in locating it next to the

former library it appropriately builds on the capacity for communal uses in one place.

3.16 The applicant sees value in retention of the former subway structure (although identified as “detrimental to the area...” in the conservation area appraisal) as a design starting point for the new ring of courtyard buildings. These sit much lower than the ridge of the library and do not dominate it. They are expressed as contemporary in the diamond (likely zinc) roof tiles (inspired from archive records of earlier roofs here). This positive re-evaluation of the subway structure is also supported here. Infilling of floor is an inevitable consequence of making usable space given that the subway is redundant.

3.17 The main focus between applicant and LPA during design development has been the degree of privacy/enclosure and the degree of communal purpose/connectivity with the large green space (so as to activate open space by use). This is mostly expressed through the size of footprint opening on the south side. Currently it is still slightly more narrow than desired by LPA.

#### Landscape:

3.18 Officers are generally content with the scheme but have recommended the amendments set out below. It will be necessary to secure tree protection through conditions and to require that tree pits are done correctly to ensure success of trees within the car park. Expected utility runs need clarification to be sure they are compatible with trees, which will be fundamental to the success of the landscape scheme

- There is not enough openness/connectivity between the library/community courtyard and the main open space and play space.
- The planting beds for the individual trees within the rear parking courtyards will only be successful if the suggested planting detail is employed - the detailed drawing must be fully secured if the application is approved.
- The external environment for the rear access points is still poor and could be improved and clearly marked with the loss of a couple of parking spaces and the introduction of more planting, especially the northern entrance.
- Along the southern boundary some of the trees which are of a good standard (category B), will be removed. Ideally one row of parking bays would be removed to enable the retention of these trees, so this needs weighing up in the balance. There would be scope for replacement tree planting.

#### Highway Network Management

3.19 Officers do not raise any objections on highway grounds, subject to suggested conditions and contributions/measures as set out in the report.



3.20 The scheme proposes a number of sustainable travel initiatives and is in a sustainable location.

3.21 The vehicular impact of the scheme has been reduced and mitigated against as far as is possible. Parts of the surrounding highway network are already congested and this will continue irrespective of whether the proposed development goes ahead or not. Traffic associated with the development will add to this existing congestion, however such increases are negligent and will not have a material impact on the conditions already seen at a number of junctions and links in the site environs.

#### Traffic Generation:

3.22 The level of traffic expected to be generated by the scheme has been calculated using the same trip rates and methodology to those applied to the original 2010 masterplan application for the site. The level of traffic that is likely to be generated by the current proposals is less than that previously considered. However there will still be an impact on queuing at certain junctions around the site. The operational capacity of these junctions has been assessed using nationally recognised industry standard software. The software demonstrates that any changes in additional vehicles/queue length at these adjacent junctions are negligible and will not lead to a material deterioration in highway conditions.

#### Access:

3.23 Vehicular access to the development is to be taken from a new junction onto Haxby Road. The design and location of the proposed access is consistent with the approach taken through the 2010 applications and is considered acceptable. Officers will be seeking that the proposed access road is designed, constructed and offered for adoption as publicly maintainable highway. This will ensure that once development plans come forward for the remaining part of the Nestle South site the remaining section of the public transport link between Haxby Road and Wigginton Road can be delivered as per the 2010 applications.

#### Car parking:

3.24 Car parking levels proposed for the development are consistent with other developments of this type and have been assessed against car ownership levels for this part of the city. Given the nature of development, sustainable location of the site and package of sustainable travel initiatives sought officers are satisfied that the level of parking is reasonable.

3.25 The immediate highway layout/environment does not lend itself to indiscriminate parking however to ensure that the area to suitably protected contributions have been sought towards a package of Traffic Regulation Orders,

which will be drawn up by the council. Such orders will be consulted on, through the normal process, which is outside the scope of planning.

#### Cycle Parking:

3.26 Cycle parking is being provided in accordance with the CYC Annex E minimum standards. The cycle parking is made up of a mixture of Sheffield hoops and Josta two-tier systems. All residential cycle parking is within the footprint of buildings and is enclosed and secure. Visitor/public cycle parking has been provided in locations with high levels of natural surveillance and placed near to main entrances/on desire lines.

#### Highways Works:

3.27 In order to provide the site access it is necessary to relocate the existing bus stops which further impacts on pedestrian crossing points. Officers have worked with the applicant's highway consultants to look at the whole of the site frontage with a view to providing an holistic package of works. The main changes consist of;

- The existing island on Haxby Road, just North of the proposed site access will be extended to provide a pedestrian crossing. This will be complimented with associated dropped kerbs, tactile paving and contrasting surfacing.
- The provision of a right turn ghost island to serve the new site access. This facility will ensure right turning traffic can wait clear of through traffic on Haxby Road.
- The removal of existing pedestrian refuge to the South of the site and the provision of a new refuge to just south of the library. The relocation of the crossing points ensures that crossing facilities are available on all likely pedestrian desire lines.
- Relocation of the existing inbound and outbound bus stops. The new bus stops will be provided to CYC standard specifications, which includes real time BLISS displays, shelter and Kassel kerbs.

3.28 Officers request that first residents are offered the following measures/initiatives in order to promote and incentivise sustainable travel whilst also reducing dependence on the private car;

- The choice to first occupiers of either a free bus pass or cycle/cycle accessories to the maximum value of £200
- A contribution of £200 per residential unit to be used towards the provision of a car club vehicle at the development and incentives including free membership and drive time credits per residential unit.

3.29 Officers consider that the provision of both incentives is appropriate, reasonable, necessary and consistent with many other schemes which have been approved across the city by the planning committee.

Conditions:

3.30 Conditions are requested to secure the following –

- Details of highways to be agreed and construction accordingly before occupation
- Cycle Parking to be provided in accordance with the agreed strategy
- Method of Works to be agreed in the interests of highway management during construction
- Replacement bus Stops to be secured
- A phased programme to deliver the site access and associated highway works to Haxby Road to be approved
- 4 stage road safety audit

### Education

3.31 Officers advise that a contribution towards education facilities will be required. Projected pupil yields are based on analysis of actual pupil yield data relating to existing housing developments within the City of York Area as detailed in the council's Education Supplementary Planning Guidance (v4 June 2016). Projected pupil yields are based on the policy's rates for urban centre flatted developments, shown below with the yields for houses for comparison:

Pupils per 100 units

Accommodation type	Primary	Secondary	Pre-school
Houses	25	14.3	12.5
Flats (urban centre)	10	3	12.5

3.32 The projected pupil yield from this development is 23 primary, 7 secondary & 28 pre-school, which are requested in full except for 3 primary pupils who can already be accommodated.

### Flood Risk Management Team

3.33 Officers commented on the drainage strategy provided and a revised version has now been issued. Comment on the revisions is pending.

## Forward Panning

3.34 Officers have no objection to the proposals.

3.35 The application site is recognised in the emerging local plan as a strategic housing site, it is proposed to be allocated as part of site ST17 'Nestle South' under policy H1 (housing allocations). The estimated yield at site ST17 is 315 dwellings, as part of a wider mixed use scheme. The site was identified in the Site Selection Paper (2013) and was included on the Council's preferred sites consultation document (2016).

3.36 Emerging Policy R1 seeks to maintain and enhance the vitality and viability of the City Centre, district and local centres and neighbourhood parades. Main town centre uses will be directed sequentially to the city, district and local centres and neighbourhood parades. Proposals for main town centre uses outside a defined city, district or local centre must be subject to an impact assessment where the floorspace of the proposed development exceeds the locally set thresholds. The relevant threshold for a proposal outside a local centre is set at 200 sqm.

3.37 The Council received the following comments through the preferred options consultation in relation to site ST17.

- Endorsement of the planning principles identified for the site.
- Concern about this allocation due to lack of education provision, increased traffic, lack of infrastructure and lack of employment.
- Support for the redevelopment of brownfield land.

3.38 The principle of housing at the cocoa works has been established through application reference 10/01955/OUTM which members were minded to approve. The provision of 263 apartments and a mix of a mix of 1, 2 and 3 bedroom units is broadly in line with local plan site selection process view of the site.

3.39 Affordable housing is required on this site, for the units that do not fall within the envelope of the existing building (the units within the existing building envelope benefit from vacant building credit where a contribution towards the provision of affordable housing does not apply). A target of 20% affordable housing provision is sought.

3.40 The proposals involve 429sqm of new retail floorspace in an out of centre location on Haxby Road (a reduction from the 974sq m in the original permission). Whilst the principle of retail provision at the cocoa works has been established through the granting of permission (application reference 10/01955/OUTM) an up to date sequential and impact assessment is required. Having regard to the NPPF and locally set thresholds (proposed in Policy R1 of the emerging local plan and

evidenced within the Retail Study Update (2014) as material considerations), sequential and impact tests are required to properly assess the proposal.

3.41 On review of the submitted retail assessment we would agreed that the sequential test has been satisfied and that there are no sequentially preferable sites. The outcomes of the impact test indicate that the proposals would not have a detrimental impact on the vitality and viability of the city's retail hierarchy. As such there is no policy objection to the principle of retail in this location.

3.42 It is recognised in emerging Policy CF1 (Community Facilities) that the expansion of existing community facilities is expected to meet the needs arising from new homes being provided. The proposed allocation for the wider site includes such uses as these were included in the previous application. As such it is welcomed that as part of this application a proposed community building will be located at the rear of the Joseph Rowntree Library.

### Housing Strategy and Development

3.43 Officers can accept a commuted sum only provision in this case. Officers propose a calculation based on market values of 5 typical, pro rata units –

- 3 social rent: market value – estimated social rented transfer value
- Remainder discount sale: market value – discount sale transfer value

	SR transfer value estimated	DS transfer value
1 bed flat	£50,000	£55,000
2 bed flat	£55,000	£65,000
3 bed flat	£60,000	£70,000

- Payment to be either staged or paid in a lump sum but either way, before the sale of the 30<sup>th</sup> unit on site

### Sports and Leisure

3.44 The city's Open Space Study (compiled by Amec 2014) shows that the Clifton ward and the neighbouring wards of Guildhall and Huntington & New Earswick have a deficiency in all types of open space provision, apart from parks and gardens.

3.45 Officers require this development to provide provision for play, amenity open space and outdoor sport. Apart from sport preference is for these facilities to be provided on site. Based on the Supplementary Planning document Commuted Sum Payments for Open Space in New Developments – A Guide for Developers the provision required would be as follows -

- Play space  
1,680 sq m is required and 225 sq m would be provided on site. The remaining provision could be an off site contribution which equates to £109,408.
- Amenity Open space  
The total amenity open space requirement is 9 sq m per bedroom this equates to 4,482 sq m. Amenity space is all to be provided on site.
- Outdoor Sports provision  
On site sports facilities are not proposed, the full allocation will be required as an off site contribution. The outdoor sports requirement is £213 per bedroom = £106,074. The contribution would allow for off site improvements at New Earswick Sports club.

### Public Protection

3.46 Officers do not object to the proposals and have given advice with regards construction management, noise, contaminated land and air quality/emissions.

3.47 A Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development should be provided.

3.48 Construction should only occur within following hours -

- Monday to Friday                      08.00 to 18.00
- Saturday                                09.00 to 13.00
- Not at all on Sundays and Bank Holidays.

3.49 A condition would be required to ensure noise levels within the building are acceptable for future residents. This can be achieved based on the undertaken noise assessment.

3.50 Limited details are provided on any plant or equipment that would be installed on the site, such as air conditioning units, refrigeration units etc. These should not operate above existing background noise levels.

3.51 Hours of deliveries to the convenience store should be conditioned in order to protect the amenity of residents of the proposed properties.

3.52 Land Contamination - The Site Investigation Report by Abbeydale Building Environment Consultants Ltd (dated November 2016) summarises the findings of contaminated land investigations carried out in 2007, 2011 and 2016. A layer of made ground was found to be present across the surface of the site, but no

significant contamination was detected. However, limited sampling has been carried out in the vicinity of the Joseph Rowntree Library, the proposed energy centre and convenience store, and the proposed landscaped area due to access constraints. The report concludes that no remedial work is necessary.

3.53 Officers recommend that additional site investigation work is carried out in the vicinity of the Joseph Rowntree Library, the proposed energy centre and convenience store, and the proposed landscaped area. This should be carried out after the unwanted buildings have been demolished, to enable the site's contamination regime to be fully characterised. If contamination is found, appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use.

3.54 Air Quality - The applicant should provide an emissions damage cost calculation in line with the DEFRA emissions factor toolkit and Interdepartmental Group on Costs and Benefits (IGCB)) and must adequately demonstrate that the emissions mitigation measures proposed are proportionate to the damage costs associated with the operation of the site.

3.55 Facilities for the recharging of electric vehicles are required. Free-standing, weatherproof, outdoor recharging units may be appropriate for shared parking provision on the site. At least 2% of the total parking provision should be marked out for electric vehicles only, together with charging infrastructure and cabling. On the basis of 175 car parking spaces for the residential units, a minimum of four charging points will be required.

Heat and Power provision on the site

3.56 Note that any proposal for a biomass boiler installation on the site would require full consideration of the likely air quality impacts. It is essential that any new biomass boilers installed in City of York Council's area meet certain emission control requirements in order to protect local air quality. In the first instance, where any biomass solution is proposed for the site, the applicant should complete CYC's Biomass Information Request form. This will be used to determine the type/level of assessment appropriate for the site.

EXTERNAL

Civic Trust

3.57 A number of concerns the trust initially had have been addressed in the revised scheme. The trusts welcomes: the reduction of the roof development to a single storey across both blocks; the revised fenestration of the Cream Block which looks to be more in keeping with the existing (and historic) timber framed fenestration, and, while the trust still take issue with the design of the proposed convenience store (in particular its roof form), they do however welcome the decision to set it

back from Haxby Road, which will no longer block approaching views of the Grade-II listed Memorial Library.

3.58 The trust maintains its position that important historic details within the buildings interior, which are part of its character, should be preserved.

#### Conservation Areas Advisory Panel

3.59 CAAP generally welcomed the proposals although it was questioned as to why there was a need to provide an additional floor to the Cream block and two additional floors to the Almond block.

3.60 With regard to the Cream and Almond buildings the Panel regretted the proposed changes to the window design (which are no longer proposed) and could see no reason as to why the original windows design could not be retained.

3.61 The Panel considered that the design of the Convenience Store was unresolved, the overall form was inappropriate and the block should be set back to prevent it masking the views of the former Library building.

#### Historic England

3.62 HE were re-consulted when the plans were revised. HE welcomed the amendments that have been made to the size and location of the proposed convenience store. Pushing the western extent of the block away from Haxby Road better retains views of the Joseph Rowntree Memorial Library and the factory clock, both of which make a positive contribution to the character and appearance of the conservation area. These amendments address previous concerns made by HE about this aspect of the scheme.

3.63 The Nestle/ Rowntree Factory Conservation Area is a very tightly drawn conservation area designated to protect the special character created by the group of former industrial buildings and associated community facilities.

3.64 HE in their initial response commented on the design and location of the proposed convenience store and the proposed rooftop extension..

- As the key views within the conservation area are along Haxby Road it is particularly important that the western-most part of the proposed store would protect the character of this view, as well as views of the Grade II listed Joseph Rowntree Memorial Library.
- The Almond and Cream Block are prominent buildings. Consideration of the design was required to ensure the impact of the rooftop extension would not be harmful to the setting of the surrounding listed buildings, to



views of York Minster nor to the character and appearance of the conservation area.

### Guildhall Planning Panel

3.65 The panel object to the proposed two extra stories originally proposed at roof level. This would be over-development which would harm the visual amenity of the host building. There was also concern that the replacement windows were of inappropriate style, many trees were proposed for removal, and traffic levels in the area would increase.

### Safer York Partnership (Police Architectural Liaison Officer)

3.66 Crime and anti-social behaviour statistics show that crime in this area is 7 times higher than York as a whole with particularly high levels of Theft, Violent incidents and burglary. Antisocial behaviour is at a similarly high level occurring mostly in the evening. With this in mind officers have identified three key areas of concern:

- Permeability
- Cycle Storage
- Access and Movement

3.67 Officers have recommended boundary treatment at the west side of the site to discourage access and CCTV coverage of the car park.

3.68 Cycle storage - officers recommend each resident is assigned a particular storage area, preferably the one closest to their dwelling. This will encourage residents to have ownership of that facility, something which is shown to have a positive contribution to preventing crime. CCTV and natural surveillance of access points is recommended and that entrance doors have a self closing & locking mechanism. Unrestricted access can increase the opportunities for bogus callers, anti-social behaviour and distraction burglars. It is recommended there be access restrictions to communal areas and that residents only have access to their core.

### Yorkshire Water

3.69 Comments as follows -

- There should be no buildings within 3m easement of sewers (plans show sewer where convenience store proposed).
- Surface water run off ok at 5 l/sec restriction
- Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hard-standing must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge.

## Publicity

3.70 Three comments have been made. The following points have been made -

### Heritage Assets & Design

- The Joseph Rowntree Memorial Library was built in memory of Rowntree's service to the city and its people, and to benefit the employees and the community. Allowing it to be redeveloped such that it will be of sole benefit to the occupants of the new housing is of disservice to the Rowntrees and their legacy.
- The proposal 'cherry picks' the prime asset of the larger Nestle South site (the former factory building) and exploits it without either reasonable or sufficient amenity provision, infrastructure improvement or regard to subsequent development of the rest of the site.
- The proposed two storey roof extension is not in-keeping and would destroy the existing and distinctive roofline of this listed building. There should be no permitted roof extension to the factory building.
- The Convenience Store tries to make a self-conscious statement through its design. The form of the parallel pitched roofs as proposed tries too hard to convey an industrial effect. This is unnecessary and is in fact at odds with the simple, straightforward unadorned design of the factory building which provides its backdrop. Nor does it need to make reference to the Library by repeating the form of the Library gable in its parallel roofs. Instead it should present the Library by providing an unobtrusive foil and discreet setting for it.
- The front of the Store which will face on to the new access road into the site might be provided with a covered walkway, to provide shelter for shoppers when needed.
- The small area of ground freed on the corner with the new road could surely be used for some low level planting which is rather lacking elsewhere on the site.

### Highway Network Management

- The link road across the site between Wigginton and Haxby Roads should be unrestricted and open to the public, this would ease congestion at the junction of Wigginton Road and Crichton Avenue. Currently, the only way move from one road to the other is to either use the outer ring road, or the junction of Wigginton and Haxby Roads and Clarence Street, which slows traffic alongside the Hospital.

- The proposed road into the site is inappropriately routed and would reduce safe and reasonable access to the Joseph Rowntree Theatre and, by the creation of a new 'T' junction so close to the Haley's Terrace roundabout, generate considerably more congestion and hazard to both pedestrians and cyclists than were the junction to be made coincident with the roundabout. The western end of the proposed road should be constructed to create a crossroads junction at the traffic lights between Wigginton Road and Chrichton Avenue, for the same reasons as above and to enable a reduction of traffic congestion for both private and emergency vehicles on the hospital approaches.

## 4.0 APPRAISAL

4.1 The key issues in assessment of the proposals are as follows -

- Principle of the proposed uses;-
  - Retail outside of the city centre.
  - Residential and associated community space
- Impact on Heritage Assets
- Highway Network Management
- Air Quality
- Noise
- Land contamination
- Education provision
- Open space
- Affordable Housing

### Principle of the proposed uses

#### Relevant Planning Policy

4.2 Because the site is outside of the city centre (as defined in the 2005 Local Plan) a sequential test is required for the proposed convenience store, as explained in paragraph 24 in the NPPF.

4.3 The sequential test should demonstrate that there are no other viable alternative sites for the proposals within the centres identified in the retail hierarchy; set out in Policy R1 of the emerging plan. An assessment of the suitability, viability and availability of locations for main town centre uses is required, with a clearly explained reasoning if more central opportunities to locate main town centre uses are rejected.

4.4 Paragraph 26 of the NPPF states that when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if

the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

4.5 To deliver community needs the NPPF states local planning authorities should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

4.6 The NPPF supports the change to residential use of commercial buildings (currently in business/industrial uses) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate. However the presumption in favour of such development is not applicable in this case as the site is within the conservation area.

## Assessment

4.7 Based upon the evidence base underpinning the emerging Local Plan policy for the site, it is considered suitable for a mixed use scheme incorporating residential along with commercial, ancillary retail, public space and community facilities. The principle of retail on site was also accepted by the council through the support of the previous planning application - 10/01955/OUTM. The proposals involve 429 sq m of new retail floorspace in an out of centre location on Haxby Road; a reduction from the 974 sq m in the previous planning application.

4.8 The applicants have undertaken a sequential test and explained that there are not suitable alternative sites (offering comparable floorspace) available. The application site is a preferable out of centre site, based on NPPF policy, due to its accessibility and proximity to the city centre.

4.9 The impact on the vitality and viability of the city centre, other centres and neighbouring shopping parades has also been assessed. The outcome of the report is that due to the scale and nature of the proposed retail unit, it would serve a local need and not harm the vitality and viability of the nearest retail centres (Haxby and Gillygate).

4.10 Considering the evidence underpinning the proposed allocation for re-development of the site in emerging local policy, the accessibility of the site and proximity to the city centre, the lack of suitable alternative sites available in the city centre and the scale and type of the development proposed the sequential test is satisfied and the impact assessment establishes there would be no significant adverse effect on established centres. As such there is no conflict with the NPPF in this respect.

4.11 The site is proposed to be allocated for housing in the emerging local plan and the evidence base underpinning the emerging policy demonstrates that housing has been considered an appropriate use of the site since closure of the factory. The site is in the urban area and well-connected to the city centre. To develop housing on site, a small scale commercial use to meet local need and a community facility, which be an amenity for future residents are all consistent with the planning principles established within the NPPF.

4.12 The proposed housing mix is set out below. It is reasonably balanced considering the scheme is conversion of an existing building for flats.

- 37 x 1 bedroom
- 205 x 2 bedroom
- 16 x 3 bedroom

### Impact on Heritage assets

#### Relevant Planning Policy and Statutory Duty

4.13 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“1990 Act”) imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act.

4.14 NPPF Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.” To meet the statutory duty, considerable importance and weight must be attached to the desirability of avoiding any harm when applying this paragraph in the NPPF, even if the harm is less than substantial.

4.15 The NPPG explains that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress. Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting

- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

4.16 There is a conservation area appraisal for the area which was published in 2008. The document outlines the reasons for designation, considering the history and social value of the area, a character appraisal and opportunities for its enhancement.

### Assessment

4.17 The site is run-down currently and overall the refurbishment works and landscaping scheme would constitute an enhancement to the character and appearance of the conservation area. The convenience store has been amended in design so it would not compete with the listed library for attention and it would sit comfortably within the setting. There is therefore no harm to this designated heritage asset.

### Library Building

4.18 The buildings between the rear of the library and the main building in the conservation area appraisal are identified to be of neutral/negative value. It is proposed the immediate rear extension to the library is given an improved roof and extended to provide a community facility. The extension partially would enclose a courtyard, it would be single storey. Other buildings would be demolished.

4.19 The changes replace buildings which are not of value. The replacement development would be sympathetic to the library by virtue of its layout and scale and its use of materials; brickwork and decorative roof tiles. The proposed uses, including a community space would be of value to future residents. The works which bring the library back into communal use are of benefit to the designated heritage asset.

### Convenience Store

4.20 The plans have been revised for this building. The end elevation has been setback, so it is behind the building line of the listed library building. The revisions preserve the setting of the listed building by not unduly intruding into views along Haxby Road. There would be 8 car parking spaces associated with the store. The car park by virtue of its materials and associated landscaping would mean it would read as a shared space and help assimilate it into its setting. There would be no harm to this designated heritage asset.

## Main building

4.21 The building is run down currently. Windows have been in-filled in places, there are replacement windows in plastic and at the rear the building has been sealed in a utilitarian manner following demolition of lower buildings at the rear.

4.22 The proposed roof extension would only be single storey (amended plans no longer propose 2-storey) and lower than the distinctive corner turret.

4.23 The character of the factory building in part derives from its scale and repetitive appearance. The building would be restored in this style. Windows would be replaced; they would be uniform in appearance and the fenestration pattern would copy the existing, as recommended by the Civic Trust and CAAP. A bronze colour is proposed for both the new window frames and the framing to the roof top extension to give consistency and identify the restoration works.

4.24 The buildings are not listed and therefore the council cannot exercise control over the internal works. However the applicants intent is to preserve the character of the building and this means celebrating and retaining features where possible. In accordance with paragraph 141 of the NPPF which states that “local planning authorities should make information about the significance of the historic environment gathered as part development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact”. A condition is proposed that the applicants record the factory buildings prior to works commencing.

4.25 The applicants have provided visual images to illustrate the coherent and quality design proposed for the restoration, in particular in the use of materials and attention to detail.

4.26 There would be a significant improvement of to the appearance of the conservation area as a consequence of the restoration of the building. The extension at roof level, now that it would be single storey, setback from the edge of the building, behind its parapet would be a subtle addition of reasonable quality that would not have an adverse impact on the character of the building.

## Landscaping / new access road

4.27 Haxby Road frontage would be improved as a consequence of restoration of the railings (as recommended in the conservation area appraisal), removal of the vehicle access towards the south end of the site and a more ordered approach to landscaping. Although trees are to be lost to accommodate the access at the north end, there would be replacements added along the new road and within the car park at the rear. A play facility for young children is proposed within the gardens.

4.28 The applicants have a strong desire to provide the communal courtyard behind the library which replicates the historic layout and use of the site. There is merit in either this approach or CYC landscape officers preference for a more open layout which would provide views and surveillance of the landscaped space and proposed play area to the south. Either approach would enhance the setting compared to the existing situation and would therefore be acceptable as there would be no harm to designated heritage assets.

4.29 The car parking area at the south end of the site is proposed as per the 2010 masterplan. There would remain adequate tree cover along the Sustrans route which would retain its character. To the west of the main building a reasonable amount of landscaping is proposed to the car park.

### Highway Network Management

4.30 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.31 A new vehicle access is proposed from Haxby Road to serve the car park which would be at the rear of the building and the convenience store. Any continuation of the road is not detailed at this stage as this would be dependent on any future proposals to the land outside of the application site which remains in the ownership of Nestle.

4.32 The alignment of the proposed access road and junction alterations on Haxby Road remain as agreed in the previous application. Improved pedestrian crossing facilities have been incorporated at the junction with Haley's Terrace. The bus stops are being relocated (in a different position to those in the 2010 masterplan). The impact on the highway is fully reported in the companion application 16/02815/FUL which is for the highway works and access road only.

4.33 The development makes adequate provision to encourage sustainable travel.

- Pedestrian access is convenient from Haxby Road
- Cycle parking is reasonable quality. All residential provision will be secure within the main building and library extension.
- The car park is predominantly located at the rear, which makes other modes of transport more efficient. A condition is proposed to require electric vehicle charging points.



- Guest cycle parking is provided on site in convenient locations adjacent access points to each building.
- A legal agreement is intended to secure car club membership for future residents. Officers are in discussions with the operators and it may be that a vehicle can be accommodated within the site.

### Drainage and Flood Risk

4.34 The site currently discharges runoff via a combination of infiltration, evaporation and overland flow to the sewer within Haxby Road. A final strategy is required to be secured by condition.

4.35 Consideration has been given to the hierarchy for surface water disposal. However due to low infiltration rates it is impractical to use infiltration drainage. However, other SUDs techniques can be used within the site and they have been considered. There are no accessible watercourses adjacent to the site. It is therefore proposed to discharge surface water from the site to the adjacent Yorkshire Water surface water sewer.

4.36 Following the proposed development, the impermeable area on site will be increased from 0.861 hectares up to 1.375 hectares, an increase of 0.514 hectares. To manage surface water run-off attenuation will be provided within two crate tanks. One located within the rear car park area (the access road) and the other at the front of the building where the children's play area is proposed. These would not compromise the landscaping scheme.

### Air Quality

4.37 The application site is located within 275m of the junction between Haxby Road and Wigginton Road, which is one of five designated Air Quality Management Areas (AQMA) within the city. The declaration is based on predicted exceedances of the annual average levels of nitrogen dioxide - a secondary pollutant formed mainly from vehicle emissions.

4.38 The applicants air quality assessment concludes that no significant impacts are predicted to arise from construction activity, subject to the implementation of best practice techniques for dust and construction management which will be set out in the Construction Environmental Management Plan (CEMP) to support the development.

4.39 The dispersion modelling determined that concentrations of particulate matter, nitrogen dioxide, sulphur dioxide change by less than 0.2% as a result of the development, which is classified as a negligible impact. The concentration of nitrogen oxide is significantly lower than the local air quality objective and the changes are less than 2% of the baseline value at all locations. Overall, the air

quality impacts of the development on new and existing receptors are considered to be acceptable in terms of protecting human health and eco-system function. As such mitigation is not necessary. However through planning conditions and S 106 agreement it is proposed there be facilities for electric vehicles on site and there would be measures to encourage sustainable travel for future occupants.

### Noise

4.40 The NPPG states that noise needs to be considered when new developments would be sensitive to the prevailing acoustic environment.

4.41 A noise assessment has been undertaken due to industrial activity at the operational factory to the north of the site and noise from traffic. A condition is necessary to ensure that the building provides suitable attenuation so internal noise levels accord with World Health Organisation recognised standards.

### Contamination

4.42 The NPPF states that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment and after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

4.43 Limited site investigation has occurred to date due to the presence of buildings, which it is proposed are demolished as part of this scheme. Conditions are proposed to require a site investigation and any necessary remediation.

### Education provision

4.44 The NPPG states that Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

4.45 The NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools where necessary.

4.46 Education Officers have identified a need for contributions towards pre-school, primary and secondary schools. Projected pupil yields are based on analysis of actual pupil yield data relating to existing housing developments within the City of York Area. Rates for urban centre flatted developments are shown below with the yields for houses and demand based on the 2011 census for comparison:

Accommodation type	Pupils per 100 units		
	Primary	Secondary	Pre-school
Houses	25	14.3	12.5
Flats (urban centre)	10	3	12.5
Flats based on 2011 Census	5.5	3	9.5
All dwellings based on Census	32	13	17

4.47 The projected pupil yield from this development is 23 primary, 7 secondary & 28 pre-school. Officers request contributions towards education in full except for 3 primary pupils who can already be accommodated (at Haxby Road). The bulk of additional pupils would be directed to nearby Yearsley Grove Primary which has scope for expansion and Joseph Rowntree Secondary. However the applicants have sought further clarification of discussion regarding the assessment of existing capacity, particularly for primary school places. Members will be updated at Committee with regard to the outcome and the amounts that officers consider to be appropriate contributions that should be made.

#### Open space

4.48 The NPPF advises that Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

4.49 The council's 2014 green infrastructure study undertaken by Amec identifies a shortfall of children's play space and sports facilities in the ward within which the application site is located and neighbouring wards. This shortfall remains despite changes to the ward boundaries in 2015.

4.50 It has been agreed that there will be amenity open space and facilities for young persons play on site but there would need to be contributions for off site provision otherwise.

4.51 The required off site contributions would be as follows based on the Commuted Sum Payments for Open Space in New Developments June 2014 supplementary planning document ;–

- Play £109,408
- Sports £106,074 to be used at New Earswick sports club for pitch and changing room improvements to meet national governing body standards and to be able to accommodate junior and female players.

4.52 The off site play space, which would be for pupils of primary/secondary school age, is still under discussion. The applicant's initial view is that rather than the approach taken in the council's SPD, the contribution should equate to actual demand as per the approach taken towards education provision. The data on occupants of flats suggests the development would generate limited need for such facilities and consequently a lower contribution than requested. Public Health and Realm officers are therefore considering the specific type of development proposed and whether it is necessary to seek the level of contributions calculated strictly using the SPD approach.

### Affordable Housing

4.53 National guidance in the NPPG states that National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

4.54 As such the affordable housing requirement on this development is only based on the overall increased floor space. The provision of 5 affordable housing units on site or (more likely) a related commuted sum in lieu of on-site provision is agreed and would be secured through the 106 agreement.

## **5.0 CONCLUSION**

5.1 The proposals re-develop a previously developed site, finding new uses for vacant buildings in the conservation area. The re-development will enhance the character and appearance of the conservation area, and not harm the historic and architectural importance of the listed library and provided needed housing. Officers support the scheme in principle. Conditions are necessary to ensure the site is fit for its proposed use, the required highway works be carried out, sustainable travel measures are implemented, and adequate landscaping undertaken.

5.2 There would be a section 106 legal agreement to secure the items listed below. Members are to note that at the time of publication, officers are in discussion with applicants regarding the contributions towards education and open space, and an update will be provided on this matter at the meeting.

#### Affordable housing

- 5 dwellings either on site or a contribution towards off site provision

#### Open Space

- Off site children's play (Members to be updated on amount sought)
- Off site sports £106,074

#### Education

- £177,219 towards pre-school places (28 places)
- primary school provision (Members to be updated on amount sought)
- secondary school provision (Members to be updated on amount sought)

#### Highways

- Sustainable travel measures. The applicants have agreed to a contribution of £200 per dwelling towards car club membership. It is hoped (subject to agreement from the operator) a dedicated space can be provided in the proposed convenience store car park. The applicants are unwilling to contribute a further £200 per dwelling towards cycle equipment and bus passes. Their preference is to focus on promotion of car club due to the low provision of on site car parking. In addition high quality cycle parking is being provided and the site is on a frequent bus route with bus stops outside the site. On balance officers consider this reasonable.
- £5000 towards the creation/modification of Traffic Regulation Orders in the vicinity of the site.

### **COMMITTEE TO VISIT**

#### **6.0 RECOMMENDATION:** APPROVE Subject to :-

- Confirmation of agreement to appropriate levels of education and open space contributions,
- Completion of a S106 agreement relating to the matters set out at paragraph 5.2
- The conditions as set out below (or substantively similar)

1 TIME2 Development start within three years

2 Approved Plans

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

26980(00)13D Location Plan  
26980(01)40B Demolition Plan  
26980(01)11T Site Plan

66016-TA-001 K Highway Improvements  
D169.L.002.K General Arrangement (Landscape)  
D169.L.003.F Tree Retention  
D169.L.004 Tree Pit Details  
D169.L.005 Landscape Audit

Former factory buildings

26980(02)40M GF Plan  
26980(02)41D 1F Plan  
26980(02)42C 2F Plan  
26980(02)43C 3F Plan  
26980(02)44C 4F Plan  
26980(02)45C 5F Plan  
26980(02)46D 6F Plan  
26980(02)47D Roof Plan  
26980(04)11G Plan North, South and East Elevations  
26980(04)12G Plan West Elevations & Returns  
26980(04)13D Return wall elevations

Library

26980(02)62E GF Plan (Library)  
26980(02)63B FF Plan (Library)  
26980(04)30D West and East Elevations (Library)  
26980(04)31C North and South Elevations (Library)  
26980(04)32B North and West Courtyard Elevations (Library)  
26980(04)33B South and East Courtyard Elevations (Library)

Convenience Store

26980(02)65G GF Plan (Convenience Store)  
26980(02)66E FF Plan (Convenience Store)  
26980(02)67E Roof Plan (Convenience Store)

26980(04)35D North Elevation (Convenience Store)  
26980(04)36C North and South Elevations (Convenience Store)  
26980(04)37C East and West Elevations (Convenience Store)

Revised cycle parking strategy 26980(06)02 E  
Drainage strategy & Flood Risk Assessment FRA 180517 rev C

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

### 3 Tree protection measures

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development (including demolition, excavations, and building operations) an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite.

The statement shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees.

A copy of the statement shall be available for inspection on site at all times.

Reason: Details are required prior to commencement to ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the conservation area.

### 4 Recording of buildings

No demolition, alteration, or removal of fabric of the Almond Block, Cream Block, Library and Access corridor shall take place until a written description and photographic recording to an Historic England Understanding Historic Buildings level 3 has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that a historical record of the listed building is kept, to record and enhance our understanding of heritage assets, in accordance with paragraph 141 of the National Planning Policy Framework.

## 5 Method of Works

A detailed method of works statement identifying the programming and management of site during clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The statement shall include the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey jointly undertaken with the local highway authority
- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing

Reason: Details are required prior to commencement to ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

## 6 Construction Management

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

The CEMP shall include the following details -

Noise - details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

Vibration - details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that



excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

Dust - details should be provided on measures the developer will use to minimise dust blow off from site. Such measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

Lighting - details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

Complaints procedure - so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: Details are require prior to commencement to protect the amenity of the area.

## 7 Contaminated land - Site investigation

Prior to commencement of construction, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall focus on the following areas:

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- Joseph Rowntree Library and land to the rear
- The Convenience Store
- The proposed landscaped area to the east of the existing factory

It shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 8 Contaminated Land - Remediation Scheme

Prior to commencement of construction, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 9 Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works and the works shall be carried out in accordance with the approved details.

### Main Building

- a) Roof-top extension (1:20 drawings)
- b) Replacement windows (drawings to compare existing historic windows and those proposed, to include sections showing windows within their reveals)
- c) Strategy confirming any vents/grills rainwater good to building exterior

### Convenience Store

- a) Typical sections at 1:20

Reason: In the interests of the character and appearance of the conservation area.

## 10 Materials

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of relevant buildings. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: In the interests of the appearance of designated heritage assets.

## 11 Highway Construction

Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces and the car parking area shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction of the relevant works on site. The details shall include removal of any redundant crossings and making good and any street-lighting.

The approved scheme shall be implemented prior to occupation of the dwellings hereby approved.

Reason: In the interests of highway safety, amenity and in the interests of the character and appearance of the conservation area.

## 12 Bus Stop Works

Prior to the commencement of development within the highway detailed drawings of the works to implement the relocation of the existing inbound and outbound Bus Stops fronting the site, shall be submitted to and approved in writing by the Local Planning Authority. The aforementioned detailed drawings shall ensure that the relocated Bus Stops provide at least the following facilities;

- a) 19" TFT BLISS real time display,
- b) Kassel kerbs,
- c) JC Decaux Foster shelters of a cantilever design
- d) Bus stop flag pole and timetable
- e) seating
- f) lighting
- g) associated carriageway lining

The relocated Bus Stops shall then be implemented in accordance with the approved detailed drawings unless otherwise agreed in writing by the Local Planning Authority and within a timescale to be approved by the Local Planning Authority.

Reason: In the interests of the safe and free passage of highway users and to promote sustainable modes of transport.

## 13 Access road construction

Prior to the commencement of development within the highway or construction of the access road a phased programme to deliver the site access and associated highway works to Haxby Road shall be submitted to and approved in writing by the Local Planning Authority. The highway works (as indicatively shown on drawings reference 66016-TA-001 REV K) shall be implemented in accordance with the approved details prior to the development being brought into use.

Reason: In the interests of the safe and free passage of highway users.

## 14 Road Safety Audit

A full 4 stage road safety audit (carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council) for the works as indicatively shown on drawings reference 66016-TA-001 REV K, or any such plans which are subsequently submitted to and approved in writing by the Local Planning

Authority, shall be carried out prior to first use of the access road. Stage 1 of said audit shall be submitted to and approved in writing by the Local Planning Authority prior to any relevant works commencing within the highway.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

## 15 Drainage

Details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details prior to first use of the development hereby approved. Unless otherwise agreed by the Local Planning Authority the works shall be in accordance with the strategy prepared by EWE Associates Ltd (Rev C May 2017).

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

## 16 Landscaping

The development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures and including lighting and improvements to the footpath along Haxby Road) which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be completed prior to first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the overall appearance and variety, suitability and disposition of species within the site.

INFORMATIVE: External lighting needs to be of a design which would not have an adverse effect ecology such as bats. The footpath along the new road shall be designed to give pedestrian priority past the proposed car park entrance.

## 17 Boundary Railings

The development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a method statement detailing the proposed restoration of the boundary railings. The statement shall audit in detail (supplemented by pictures) the condition of the existing railings, detail areas to be repaired and replaced and include samples of the proposed replacement railings.

The works shall be carried out in accordance with the approved details prior to first use of the development hereby approved.

Reason: In the interests of the character and appearance of the conservation area.

## 18 Reporting of Previously Unidentified Contamination

In the event that previously unidentified contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 19 Contaminated Land - Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

## 20 Electric vehicle charging facilities

At least four (4) electric vehicle recharge points, serving four dedicated car parking bays, shall be installed prior to first occupation of the site. The bays shall be marked out for the exclusive use of electric vehicles, made available for use at all times and appropriately maintained. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework.

INFORMATIVE: to prepare for increased demand in future years it is recommended appropriate cable provision be included in scheme design and development.

## 21 Plant and Machinery

Details of all machinery, plant and equipment to be installed in or located on site, which would be audible at the nearest residential facade, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. 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: To protect the amenity of nearby properties and the environmental qualities of the area.

Informative: The combined rating level of any building service noise associated with plant or equipment at the site should not be the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 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.

## 22 Tree planting

Tree planting pits shall be in accordance with the approved drawings of the same title as an absolute minimum standard. Notification shall be provided to the local planning authority of the timing of excavations in preparation for the tree pits to give the local planning authority the opportunity to observe the works.

Reason: The successful growth of the proposed trees is integral to the amenity of the development, and will be substantially influenced by the suitable detailing and execution of the tree pit detail.

## 23 Cycle Parking

Cycle parking facilities shall be provided on site in accordance with the approved strategy prior to first occupation of the dwellings hereby approved. The facilities shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable modes of transport and in the interests of visual amenity, in accordance with policies GP1, GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

## 24 Deliveries to convenience store

Upon completion of the development, delivery vehicles to the retail store shall be confined to the following hours:

Monday to Friday 07:00 to 20:00

Saturdays, Sundays and Bank Holidays 09:00 to 16:00

Reason: To protect the amenity of local residents

### **7.0 INFORMATIVES:**

#### **Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: pre-application advice, sought revised plans to make the scheme acceptable and through the use of planning conditions and section 106 agreement.

#### 2. Works in the highway

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

#### 3. Utilities

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

#### 4. Legal Agreement

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

#### **Contact details:**

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**Tel No:** 01904 551323