

COMMITTEE REPORT

Date: 15 November 2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 18/01011/OUTM
Application at: Land At Cocoa West Wigginton Road York
For: Outline planning application with all matters reserved except for means of access for a mix of uses including 425no. dwellings, offices, retail, a creche and community uses with associated car parking, landscaping, highways infrastructure and other ancillary works
By: York 456 Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 8 August 2018
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

BACKGROUND

1.1 In 2006, Nestle Rowntree announced that they wished to upgrade and improve facilities in the northern part of their site, leaving redevelopment opportunities on the southern part of the site.

1.2 A Development Brief was subsequently produced and adopted by the Council in 2007. The east part of the site, where the Almond and Cream former factory buildings remain and the land to the front, which includes gardens, and the grade II listed Joseph Rowntree Memorial Library was designated as a conservation area.

1.3 The Development Brief provided a context for assessing future development. The Council's vision for the site was to create a new, inclusive, live / work community and cultural hub well integrated with surrounding areas; accommodate a mix of uses and follow best practice guidance in order to achieve high standards of design, public space and sustainability. Safe and attractive pedestrian / cycle routes through and around the area were required, to help to create a sense of place, and low car use principles were to be embraced.

1.4 The latest Council aspirations for the site are detailed in policy SS15 of the 2018 Publication Draft Local Plan. The policy states that this phase of development will provide up to 600 dwellings (it does not refer to other uses).

1.5 Members resolved to approve an outline application (10/01955/OUTM) for mixed use redevelopment of the application site, subject to a S106 agreement in December 2010. The S106 agreement was not completed.

1.6 In June 2017 the scheme for re-development of the east side of the site was presented to members and permission for this re-development has now been granted. The application was 17/00284/FULM, for 258 apartments in the retained factory buildings, re-use of library for community space and for a convenience store by the new access from Haxby Road.

APPLICATION SITE

1.7 The application site once contained the core of the original factory buildings, developed between 1890 and 1940. These buildings have now been demolished.

1.8 The former entrance into the site remains from Wigginton Road, which crosses over Bootham Stray. The Stray land runs alongside Wigginton Road and consequently proposed buildings on site would be setback at least 35 m from the road. The Stray land now accommodates hard-standing used for parking by Nestle and an access into the operational factory. The former car park on the SW side is no longer used; it is overgrown and enclosed by a palisade fence. Nestle currently have an active lease to utilise the land as a car park.

1.9 On the west side of Wigginton Road opposite the site there are a row of 2 storey houses, allotments and a car park.

1.10 To the south of the site is the Sustrans pedestrian and cycle route which follows the route of a former railway line. There are trees to each side of the route. Further south 2 storey houses on Hambleton Terrace face the application site.

1.11 To the east are the retained factory buildings, due to be converted into apartments. The buildings are within the Nestle/Rowntree Conservation Area, which has a conservation area appraisal from 2008.

PROPOSALS

1.12 This application is in outline form with the means of access included as a reserved matter. A main street will run between Wigginton and Haxby Road but it could not be used as a through route for vehicular traffic.

1.13 The scheme is predominantly residential and for the following development -

- 425 dwellings comprising 118 houses (3 and 4 bed) and 307 apartments (1, 2 and 3 bed)
- 1,000 sq m of commercial floor-space (A2 financial & professional and B1 business uses)
- 600 sq m of D1 non-residential institutions and D2 assembly & leisure uses including a crèche (350 sq m) and a community building (250 sq m)
- Convenience store (200 sq m)

- 390 car parking spaces
- 4,865 sq m of public open space, along with semi-private community gardens for the housing courts and the apartments. The proposals also include use of the stray land as public open space.
- Landscaping works, involving tree removal within the site and along the Sustrans cycle route to allow a pedestrian and cycle access into the site. There would be a new landscape buffer on the north side of the site (and an increase in the number of trees overall).
- An upgraded access onto Wigginton Road (including a pedestrian crossing island) and internal highways infrastructure

1.14 The aspirations for the site, including the layout and massing of buildings are detailed in the submitted master-plan and section drawings and the design strategy and design and access documents by Axis Architecture.

1.15 The development is deemed not to require an Environmental Impact Assessment. A screening assessment has been previously carried out - refer to application 17/02445/EIASN.

RELEVANT SITE HISTORY

Application 10/01955/OUTM

1.16 The outline application previously determined as being acceptable by members was also in outline form with the means of access detailed as a reserved matter. The intentions re access were as per this application with no through route for motor vehicles apart from buses and emergency services.

1.17 The amount of development was indicatively shown as -

RESIDENTIAL

166 houses

55 assisted living bedrooms contained within one building.

COMMERCIAL

5,884 sq m office block

1,335 sq m community centre, gym and crèche

2.0 POLICY CONTEXT

2.1 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.2 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

2.3 Relevant 2018 Draft Plan Policies:

DP2 Sustainable Development
 DP3 Sustainable Communities
 DP4 Approach to Development Management
 SS15 Nestle South
 R1 Retail Hierarchy and Sequential Approach

H1 Housing Allocations
 H2 Density of Residential Development
 H3 Balancing the Housing Market
 H4 Promoting Self and Custom House Building
 H5 Gypsies and Travellers
 H10 Affordable Housing

HW2 New Community Facilities 123
 HW4 Childcare Provision 127
 HW7 Healthy Places

D1 Placemaking
 D2 Landscape and Setting
 D3 Cultural Provision
 D4 Conservation Areas

GI1 Green Infrastructure
 GI2 Biodiversity and Access to Nature
 GI3 Green Infrastructure Network
 GI4 Trees and Hedgerows
 GI6 New Open Space Provision

CC2 Sustainable Design and Construction of New Development

ENV1 Air Quality
 ENV2 Managing Environmental Quality
 ENV3 Land Contamination

ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access
DM1	Infrastructure and Developer Contributions

2.4 City of York Draft Local Plan (2005)

GP1	Design
GP3	Planning Against Crime
GP4a	Sustainability
GP4b	Air Quality
GP5	Renewable Energy
GP6	Contaminated Land
GP7	Open Space
GP9	Landscaping
NE1	Trees, Woodlands and Hedgerows
NE7	Habitat Protection and Creation
NE8	Green Corridors
HE3	Conservation Areas
H3c	Mix of Dwellings on Housing Sites
H5a	Residential Density
S10	New Local or Village Shops 96
L1c	Provision of New Open Space In Development
C1	Community Facilities
C7	Children's Nurseries

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

ARCHAEOLOGY

3.1 A desk-based assessment has been submitted. Map regression within the report shows that there are pockets of land either side of the former curved branch of rail track in the south-west corner of the site which appear to have been devoid of development. Although the archaeological potential of the site is not particularly high this small patch of land may contain the last of any remaining archaeological deposits on the site. These areas should be investigated archaeologically through evaluation trenching. Two trenches should be opened – one in the grassed area the other in the SW corner of the car park outside of the footprint of the former railway area. The investigation can be covered through a planning condition.

DESIGN

3.2 Officers made the following comment on the scheme. These matters were addressed in the revised design documents (strategy and design & access statement).

- The apartments to the eastern border have the poorest outlook of the development, overlooking the very large car park of the factory building. More evidence/details were required about the quality of the spaces at the east boundary to assess suitability of proposal.
- The proposal includes improvements to the quality and functional-use of adjacent but off site stray land to the west. The area is currently heavily treed but also laid out to car parking. This is the largest area of open space and securing this is of key importance and should not be only a “nice-to-have”.
- More detail was asked for about animation of the ground floor street frontage; that these had active frontages and whether such frontages had ‘defendable’ space or whether they were accessed directly from the street. Officers felt that, apart from in mews type areas, some type of buffer/threshold would generally be desirable.
- Detail on key landscape spaces (currently in the D&A) should become part of the Design Strategy, in order to unify information formats and prevent overlap or contradiction.
- Residential blocks enclose central green semi private spaces. For apartments these are often above a ground floor deck of parking. For housing they enclose “communal gardens” set beyond a zone of private rear gardens. These types of spaces are an uncommon type but have the potential for a good sense of ownership and engagement with residents. The approach does mean less open space is completely public so this puts pressure on these open spaces to be as useful as possible.

In line with officers preference an updated landscaping plan of the main square (cocoa garden) was provided to show how vehicle access would be restricted of this space. Also within the design strategy access arrangements are shown which shows where vehicles will be discouraged, by design, and this gives pedestrian priority around the main public open space and on a movement corridor to the south of, and parallel to, the main street. Servicing, bin and cycle storage s also detailed.

Car parking

- Where car parks, for apartments, front important streets they are mostly enveloped with a layer of commercial use or living use so as to provide an

animated (and not lifeless) street aspect. This is good. In some locations this does not occur but this is often because they are located at back-of-house type spaces, like the factory building car park to the east. These back of house spaces are inevitable and not an indication of poor design when appropriately located - as they are here. Officers support the proposed car parking arrangements to the houses also, which is a mix of in curtilage and on street, which avoids a monotonous approach.

COUNTRYSIDE AND ECOLOGY

3.3 The proposed development is acceptable on ecological grounds, subject to planning conditions to secure a landscape and habitat management plan for the green corridor to the south of the site (the Sustrans route) and for measures to create new wildlife features to secure net gains for biodiversity (such as bat roost and bird nesting features within new buildings and structures, native species rich landscaping and incorporation of areas of 'open mosaic habitat on previously developed land' - Features suitable for this habitat include green/brown biodiverse roofs).

3.4 These conditions are necessary to allow compliance with the City of York Local Biodiversity Action Plan (2017) which includes the following actions;

- Take account of existing biodiversity interest on brownfield sites in considering any planning application.
- Through the planning process, seek to integrate biodiversity (e.g. green roofs, nesting and roosting boxes, ecologically appropriate landscaping) into all new developments.

3.5 The cycle path is already lit by street lights so the development should avoid additional light spill on to the trees along the southern boundary of the site.

EDUCATION

3.6 As the application is in outline officers recommend that any demand for education provision is determined at each reserved matters application. Based on the Councils formula the proposed development would generate the following demand for places -

Primary	60
Secondary	26
Pre-school	53

3.7 Based on current data contributions would be required towards pre-school and primary school only. However forecasts are only to 2024/25.

3.8 Should contributions be required they would be used towards –

Primary - Yearsley Grove

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Secondary - Joseph Rowntree School.
Pre-school - Funded places in the vicinity.

FLOOD RISK MANAGEMENT TEAM

3.9 The total site area within the red line planning application boundary is 4.68 hectares (ha) with a proposed impermeable area of 3.01ha. The site is covered with a crushed brick/demolition material which is virtually flat with no positive drainage or overland flow to the sewer in Haxby Road therefore the proposed 17.3 l/sec surface water run-off rate is not agreed. As there is no existing run-off the permitted discharge should be based on our 1.4 l/sec/ha (Greenfield/agricultural run-off rate) of the 3.01ha proposed impermeable areas which is 4.2 l/sec.

THE HOUSING STRATEGY AND DEVELOPMENT

3.10 The Housing Strategy and Development Team support this application provided it complies with the 2018 Draft Local Plan by providing 20% affordable housing on a Brownfield site, with 20% of each phase provided if the development is phased. The requirements of relevant Local Plan housing policies would be fixed in the Section 106 agreement.

3.11 In accordance with Local Plan policy H10, 80% of the affordable homes should be for social rent and 20% for low cost home ownership. The affordable housing will be pepper potted across the development, with exceptions only where transferring the freehold of a block would allow for management by a Registered Provider, and this would not adversely affect the integration of the affordable homes within the development.

HIGHWAY NETWORK MANAGEMENT

New access

3.12 The proposed Wigginton Road access retains the design previously agreed (in the 2010 scheme). On Wigginton Road this adds a right turn lane into the site and pedestrian refuge points in the centre of the road to assist with crossing. Officers have requested a safety audit to be carried out for the proposed junction which informed the scheme proposed for approval. The full detail of the works would be approved under the Highways Act.

Impact on network

3.13 Trip generation rates have been calculated using the same method as was applied in the 2010 application. This scheme would generate 228 vehicular movements in the morning peak and 235 in the evening peak. When the remainder of Nestle South is factored in (conversion of the retained factory building to residential

and convenience store) these increase to 336 and 343 respectively to be distributed between the two junctions (Haxby Road and Wigginton Road).

3.14 In comparison to the number of trips associated with the 2010 outline scheme -

- Vehicle flows onto Wigginton Road are very slightly higher. Two-way vehicle flows of 121 in the morning peak and 130 in the evening peak equal around 108% of the number of trips associated with the previous proposals.
- Vehicle flows onto Haxby are significantly lower. Two-way flows of 215 and 213 in the morning and evening peak hours respectively represent around 72% and 84% of the level accepted in 2010.

3.15 The assessment shows that the new junction to the Nestle site off Haxby Road, the Haley's Terrace Roundabout and the signalised junction at the connection between Haxby Road and Wigginton Road will not be adversely affected.

3.16 In terms of the Wigginton Road / Crichton Avenue junction, the analysis shows that in the peak AM and PM hours there is already queuing at this junction. The effect of the proposed development is to increase this by between 0.6% and 5.1%, which is a relatively small level of change and within day to day variations. The impact on this junction is modelled to be less than the 2010 scheme. Officers would not require any mitigation as a consequence of this development.

Conditions / 106 requirements

3.17 A 106 would be required to fund any traffic regulation orders which may be required within the site and to promote sustainable travel, by offering first residents either a bus pass or money towards a bicycle.

Layout

3.18 Not providing a through route for private vehicles between Haxby Road and Wigginton Road will encourage more sustainable modes of travel. Modelling has demonstrated that the proposed scheme can be facilitated without undue impact on the highway network and also that if a through route for private vehicles were provided, then this would have a significant detrimental effect on the wider highway network.

3.19 At this stage officers are content to remain flexible as to the extent of the road network within the site which may be adopted. The Council could also manage on street parking if necessary, through a residents parking scheme, alternatively this could be left to the developer.

PUBLIC PROTECTION

Land contamination

3.20 Limited sampling has been carried out in the proposed areas of soft-standing at the site due to access constraints. An area of particular concern is the western section of the site marked as a possible play space as no soil sampling has been undertaken in this area. Officers recommend that additional site investigation work is carried out in the proposed landscaped area. If contamination is found appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use.

Air quality

3.21 An air quality assessment has been undertaken to assess the air quality impact of the proposed Cocoa West development. The impacts of the development are not predicted to result in concentrations of pollution exceeding health based objective levels. However there should be best endeavours to reduce emissions from the site during construction and operation phases. This is in line with the aims and objectives of City of York Council's Low Emission Strategy (LES) and Third Air Quality Action Plan (AQAP3).

3.22 An evaluation of the emission damage costs has been made by the applicant's environmental consultant, leading to a value of approximately £191,630. It should be noted that in instances where the impacts of Particulate Matter are being quantified and valued alongside NO_x (as is the case for this assessment), DEFRA suggest it is appropriate to use a lower damage cost per tonne for NO_x. Public Protection have therefore recalculated the damage costs associated with the development as approximately £166,235.

3.23 A range of on-site mitigation measures have been highlighted to offset this cost as follows. These measures are referenced in section 7.51 of the Planning Statement submitted in support of the application. Estimated costs have been provided for some measures by the applicant's consultant,:

- Storage facilities for cycles, one per unit;
- Planting of 110 trees (c. 70 to be removed and c. 180 to be planted) in addition to hedgerow/shrub plants;
- Contribution to bus passes or cycle accessories (£200 per dwelling) or both (£400 per dwelling);
- Additional car charging points throughout the site at c. £500 per point;
- Fund the bus gate / bollard system, which could be in the region of £60,000 or higher; and
- Travel plan measures, expected to include car club membership. This is likely to cost in the region of £50,000.

3.24 The applicant's consultant has estimated the total cost of these measures would

be in excess of £300k and would therefore exceed the calculated damage cost of £166,235. Public Protection would request that appropriate mechanisms (via condition or otherwise) are put in place to ensure that the above measures are implemented on the site.

3.25 With respect to the Travel Plan, it is recommended this includes information about electric vehicles and charging infrastructure on the site (and elsewhere in York) and mechanisms for encouraging the uptake of low emission fuels and technologies.

3.26 A construction management plan is recommended and a restriction on construction working hours.

EXTERNAL

FOSS INTERNAL DRAINAGE BOARD

3.27 There are no Board maintained watercourses in the vicinity (the River Foss, at this location, being under the care of the Environment Agency); as such it is not considered that the proposal will have a material effect on the Board's operations and therefore the Board has no comment to make.

HISTORIC ENGLAND

3.28 Broadly supports the proposed scale and layout of the development. Advise that as many of the trees as possible on the west and south sides of the site be retained.

NATURAL ENGLAND

3.29 No objection.

NETWORK RAIL

3.30 The development is near to the Bootham Level Crossing on Wigginton Road and direct vehicular and pedestrian access to this road is included from the site. Network Rail asked for additional information to assess the impact of the scheme upon the crossing. This information was provided to Network Rail and no further comments have been received.

GUILDHALL PLANNING PANEL

3.31 In general support the development of the site, but object on the following grounds –

- The existing structures were of a lower height and did not impose such a heavy presence on Wigginton Road. The planning panel recommend that the development is stepped further back in this respect.

- There are no indications of highway improvements consequently the panel are concerned about traffic levels and safety.
- The retail offering will compete with existing retail, off licence and corner shops and damage already precarious commercial businesses.

POLICE ARCHITECTURAL LIAISON OFFICER

3.32 No objection.

SPORT ENGLAND

3.33 Sport England objected as the proposal will generate demand for sporting provision, and this was not addressed in the application.

SUSTRANS

3.34 The scheme proposes the shared use of the Foss Islands Path at the southern boundary of the site which is under Sustrans ownership. Sustrans welcomes an open connection to the cycle path and permeable design of boundaries. Not only does this promote easy access but a more 'open' route allows users to feel safer on the route as it is overlooked. Sustrans will need to agree the design of the connection point to the path with the developers.

3.35 Sustrans would expect the developers to contribute towards the following works.

- Anticipating increased usage of the path improved surfaces at the Wigginton Road and Haxby Road access points and for the spur section between Wigginton Road and the site to be widened and resurfaced.
- Sustrans manage the route as a corridor for wildlife and green space in an urban area. The Foss Islands Path is part of Sustrans' Greener Greenway programme and as such has a habitat management plan. Sustrans' management ambition for the wooded area on the Foss Islands Path at this point (to the north of Hambleton Terrace) is to thin the trees to promote a greater age and species range of trees than currently exists; clear invasive species (Japanese Knotweed and Snowberry) and manage the dense scrub particularly at the access point at Haxby Road. In addition thinning of some of the multi stemmed sycamores and thin ash saplings will provide more light to the path.

YORKSHIRE WATER

3.36 The submitted flood risk assessment / drainage statement is acceptable to Yorkshire Water (this allows a surface water run-off rate of 17.3 l/sec.

YORK CIVIC TRUST

3.37 Made comments regarding design and sustainable travel as follows -

Traffic impacts related to the Wigginton Rd/Crichton Avenue junction.

3.38 The western access to the development lies to the north of this junction, and will add traffic flows to it. The same was true of the 2010 proposals. The applicants in 2010 did not assess impacts on this junction. The applicants on this occasion have assessed the impacts of both the 2010 and 2018 proposals on this junction, apparently so that they can claim that the impacts are no worse than the 2010 proposals, and can thus be considered "negligible". In practice, the predictions are that the northern and western approaches will be over capacity in all cases. The northern approach on Wigginton Rd is the most severely affected (as outlined in the Transport Assessment, Tables 9.4-9.5).

3.39 The applicants argue that these further excesses of capacity and excess queues will not be perceived by drivers as a significant change, being "within the variation of performance". Yet the junction operates on a 2 minute cycle, and when working efficiently passes around 30 cars per cycle. Thus the extra queues in the morning peak will impose a further cycle's delay of 2 minutes. They also claim that the impact of the 2018 proposal is less than that for 2010, and can thus be considered "negligible". Yet it is clear that the evening peak conditions are further worsened by the new proposal.

3.40 These adverse impacts could be avoided by requiring all generated traffic to use the Haxby Rd access, where all affected junctions are shown to be under capacity.

Parking provision

3.41 The proposal includes 425 developments and 390 parking spaces, a ratio of over 0.9. While this is within the CYC maximum standards, it is in no way aspirational in alleviating car usage in the city, and fails to reflect the high level of accessibility by bicycle and the potentially high level of bus access. It would be far preferable to specify a maximum provision consistent with an acceptable Travel Plan (which appears not to have been submitted), and of perhaps 0.65 to 0.7.

Street layout

3.42 It would be preferable for residential streets to be designed in the main as play streets, with tightly controlled vehicle access and low maximum speeds. It is accepted that the link road will have to be designed to separate pedestrian, cycle and vehicle movements. The remaining residential streets are referred to as having shared space, but do not appear from the Design Statement to have been designed as such, and it appears that there will be vehicle access to all streets. There appears

to be no discussion of the need for play space for children on the site.

Bus services

3.43 The link road is designed to have a bus gate, yet no proposals are offered for the services which might use it. Wigginton Rd only has the hourly #40 service (with the 15 minute #6 joining at Crichton Avenue where it, like the #40, is heavily delayed with no priority. Haxby Rd has the 10 minute #1 and the 15 minute #5/5A. Were the bus gate to be placed at the Wigginton Rd end of the link road, with a signalised junction with queues on Wigginton Rd held at this point, it would be possible to route the #1, #5 and #5A through the site, providing a ten buses per hour service for the development, and ensuring that the services were not delayed. These are options to be considered by CYC, but the applicants should be required to develop a more aspirational approach to the provision of bus services.

PUBLICITY

3.44 There were 7 comments received as a consequence of publicity. Re-consultation was carried out when the proposed Wigginton Road access was revised (to include a pedestrian crossing); no further comments were received.

3.45 The points made were as follows -

Principle of re-development of the site

- Support for the re-development

Residential amenity

- Overlooking of Hambleton Terrace (south side of Sustrans route) when the trees are out of bloom due to the height of the proposed apartments.
- Loss of privacy due to tree removal.
- Proposed houses would lead to overlooking over houses on opposite side of Wigginton Road and their front gardens. The houses proposed on this side of the development are 4 or 3 storey in comparison to the 2 storey houses opposite.

Amenity / ecology

- Loss of trees and vegetation along the Sustrans route will have an adverse effect on ecological value. The cycle path is an important green corridor for wildlife (and people in this urban environment) and these proposals will significantly erode that.

- The restoration/enhancement of the wedge of Bootham Stray on the western end of the site is welcomed. The Strays are a key part of the history and identity of York as well as connecting the urban areas with the wider countryside.
- The communal gardens would be gated and therefore restricted to those residents that back onto it; so although the landscape master plan gives the impression of being very 'green' the scheme lacks much needed public open space for the number of people this high-density development (and the adjacent factory block) will bring to the area - the majority in flats. This would also have the benefit of providing for existing residents in the vicinity - for example, allotments are over subscribed in this area.
- Noise and parking problems a concern as a consequence of the proposed retail unit.

Highway Safety

- There is already very heavy traffic on Haxby Road and Wigginton Road especially at peak times. The addition of so many new homes will make an extremely bad traffic situation even worse. Wigginton Road is also difficult to cross for pedestrians and cyclists. There should be improved crossing facilities.
- The junction at Crichton Bridge already needs addressing as traffic turning right towards Crichton Avenue block other vehicles passing straight ahead and leads to a bottle neck further along which, more often than not, goes all the way past the railway track on Wigginton Road towards Clifton Moor. Creating a right turn lane at the bridge would alleviate some of this queuing traffic making it more free flowing.
- Lack of details of servicing arrangements for convenience store.
- The roads and parking bays around the new Rowntree Halt Square will make this space feel dominated by cars, unwelcoming and create conflicts between pedestrian/cyclists and drivers.
- All efforts should be made to make this whole development as 'car unfriendly' as possible, facilitated by massively restricted car parking to resident ratios. Current air pollution concerns in York, levels of traffic around Wigginton and Haxby Roads and climate change concerns make action on this large, exemplar site an imperative. Secure, covered cycle parking should be provided around the site at generous cycle to resident ratios, above and beyond standard levels.

4.0 APPRAISAL

KEY ISSUES

4.1 This application is in outline, with access being considered in detail. Details of appearance, landscaping, layout, and scale, are to be considered as part of future reserved matters applications. However the application contains includes master-planning drawings and a design strategy which will inform future development; this would be secured by condition.

4.2 The key considerations are the extent to which the proposed scheme is compliant with the NPPF and local policy with regards -

- Principle of the proposed development
- Design / Impact on the Nestle Rowntree Conservation Area
- Residential amenity
- Highway network management / Sustainable transport
- Provision of open space and sports facilities
- The natural environment
- Sustainability
- Flood Risk and Drainage
- Residential Amenity
- Land Contamination
- Education

ASSESSMENT

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.3 Residential lead development of the site is consistent with NPPF policy, in particular sections 5 which relate to housing supply and section 11 which relates to making effective use of land and in particular meeting identified development needs on previously developed land.

4.4 Section 3 of the Local Plan 2018 details the spatial strategy for York and the key areas of change. Allocated housing sites over 5 ha in area each have their own policy. The Nestle South site is allocated for housing in policy SS15. The key principles for redevelopment of the site in SS15 are listed below and are discussed throughout this section of the report.

- i. Achieve high quality urban design which recognises the distinctive character of this part of the city and respects the character and fabric of the factory buildings of distinction including those on the Haxby Road Frontage including the library.
- ii. Conserve and enhance the special character and/or appearance of the Nestle/Rowntree Factory Conservation Area.

- iii. Provide a mix of housing in line with the Council's most up to date Strategic Housing Market Assessment.
- iv. Maximise accessibility and connectivity to the city centre and local area by pedestrian and cycle routes, including direct access from the site to the Foss Island Cycle Path which runs alongside the site boundary.
- v. Retain the mature trees along Haxby Road frontage and protect the setting of the site.
- vi. Maximise connectivity and linkages to surrounding green infrastructure including Bootham Stray.
- vii. Appropriate access from both Haxby Road and Wigginton Road along with associated junction improvements as necessary through Transport Assessment and Travel Plan. Access between Haxby Road and Wigginton Road will be limited to public transport and walking/cycling links only.
- viii. Address any implications relating to the Wigginton Road level crossing.

Whether the amount and type of housing proposed is policy compliant

4.5 Local Plan policy SS15 relates to the Nestle South site. The application site is phase 2 of this allocation. The allocation is for up to 600 dwellings. The policy states that in addition to complying with the policies within the Local Plan, the site must be master planned and delivered in accordance with identified key principles. The 3rd principle within the policy is to –

“Provide a mix of housing in line with the Council's most up to date Strategic Housing Market Assessment”.

4.6 The most up to date information on housing need is summarised in the Local Plan policy H3. The policy states that proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. It goes on to state that (in developments) the final mix of dwelling types and sizes will be subject to negotiation with the applicant. According to the SHMA a substantial amount of overall need (60%) is for 2 and 3 bed sized dwellings.

4.7 Policy H2 gives guidance on appropriate densities for housing sites. 50 dwellings per hectare is the target in the urban area, although a higher density can be appropriate at a site like this due to its proximity to public transport links. The policy goes on to state that on strategic sites specific master planning may override the approach in this policy, which should be used as a general guide. Delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area.

4.8 The application proposes up to 425 dwellings comprising 118 houses and 307

apartments which would be 78 dwellings per hectare. This density sits comfortably with policy H2, but is below the estimated yield of 600 dwellings in policy SS15.

4.9 The design and access statement advises that the scheme presented assumes the following dwelling sizes –

1-bed	16
2-bed	246
3-bed	117
4-bed	46

4.10 The Local Plan acknowledges that the site specific allocations are estimates and can be varied as a consequence of more detailed master-planning. At this site the lower yield than the allocation enables a mix of dwellings (houses and flats) that is broadly compliant with need, provision of an amount of amenity space that is policy compliant and as a consequence of community involvement the scale of buildings has been reduced on the west side of the site. These aspects of the scheme provide a valid justification for an overall number of dwellings that falls below the policy allocation of 600 dwellings.

Whether the proposed main town centre uses are suitable at the site, considering the impact on the vitality and viability of the city centre

4.11 Policy SS15 which relates to the site refers only to dwellings, unlike the original development brief which had aspirations for a mix of uses (in particular smaller business premises). As such, because the site is outside of the city centre a sequential test is required for the 'main town centre' uses proposed on site; the potential 1,000 sq m of commercial floor-space (A2 financial & professional and B1 business uses) and the 200 sq m convenience store.

4.12 National planning guidance in the NPPG advises that with regards the sequential test this should ensure that any proposed main town centre uses which are not in an existing town centre are in the best locations to support the vitality and vibrancy of town centres, and that no likely significant adverse impacts on existing town centres arise. The application of the test should be proportionate and appropriate for the given proposal and should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

4.13 Local Plan policy R1: Retail Hierarchy and Sequential Approach states that the vitality and viability of the city centre, district and local centres and neighbourhood parades will be maintained and enhanced. The existing network will form the focal point for uses, services, and facilities serving the surrounding population. The policy goes on to state that in order to safeguard and enhance the established retail hierarchy any proposals for additional retail provision outside the defined city, district and local centres will be subject to the requirements set out in Policy R4.

4.14 Four of the key objectives of the 2007 Development Brief sought to provide employment opportunities on the site in order to replace any loss of jobs as a result of the closure of a number of Nestle buildings. The previous scheme was to provide almost 10,000 sq m of office space overall.

4.15 The amount of office space – 1,000 sq m is significantly less than the 10,000 sq m in the previous scheme. No undue harm on the city centre is anticipated and to resist the proposals based on the amount of office space proposed would be a significant deviation from the Council's original aspirations for the site as established in the 2007 development brief.

4.16 This scheme is predominantly residential. In addition to the 425 dwellings proposed there is permission for a further 258 in the converted former factory buildings. Given the population envisaged for this area the composition of uses is appropriate; they will help meet local need, contributing to reducing the need for travel and assist with place-making and giving the area distinctive character and sense of community.

4.17 The retail facility (convenience store) will be small scale (up to 200 sq m); this would allow a facility to meet local need, avoiding the need to travel; this is a sustainable approach and would have no material impact on retail elsewhere. There would not be a significant adverse effect on the vitality and viability of the city centres and other centres, considering local policies R1 and R4.

Community uses

4.18 The proposed development could generate the need for some 53 pre-school places. There is evidenced need for the proposed crèche, as a direct result of the development. This justifies the proposed use, as required under local plan policy HW4: Childcare Provision.

Application of policies relating to self build and traveller accommodation on strategic sites

4.19 Policies H4 and H5 of the emerging plan advise that on strategic sites developers will be required to make provision for the following –

- At least 5% of building plots to be offered to self builders or small /custom house builders subject to demand. Such plots can revert back to delivery through conventional methods if they have been reasonably marked without interest for 12 months.
- Provide either 2 pitches (either on or off site) or a commuted sum towards such for gypsies and travellers.

4.20 The scheme does not propose compliance with these policies on the following grounds -

- These policies carry limited weight at this time (as is explained in the NPPF) because they have been subject to objections as part of consultation on the emerging plan. They have not been tested at examination, considering their consistency with national policy and whether the impositions are based on a reasonably robust evidence base (as set out in sections 3 and 5 of the NPPF).
- The scheme has been worked up over the previous 12 months; before the Local Plan had member approval, and given the aforementioned levels of objection, it was unknown whether these policies would remain in the plan submitted for examination.
- The scheme proposes a mix of houses and flats, the arrangement of which are informed by a combination of design and viability. Only the housing plots could be allocated for self build. The proposals currently would delivery a policy compliant 20% affordable housing. This would need to be re-considered if policies H4 and H5 were imposed.
- The site has been designed in detail, with relatively fixed house types and a vernacular to be in harmony with the Nestle Rowntree Conservation Area. The provision of self build plots, or pitches, would more suitable at other strategic sites at the edge of the city without the design constraints present here.

4.21 Officers have sympathy with the fact that the site was acquired and the scheme carefully devised at a time when there was uncertainty as to whether these policies would be applicable. The policies do carry limited weight at this time and to impose them would likely have adverse consequences for the scheme, whether it would be the mix of housing proposed (i.e. more flats/fewer houses) or the level of affordable housing that could be realised. It would also delay decision making as the scheme would need to be reconsidered and viability reappraised, possibly re-negotiated. Overall there are reasonable grounds not to impose these policies in this case.

DESIGN / IMPACT ON THE NESTLE ROWNTREE CONSERVATION AREA

4.22 The National planning practice guidance advises that in assessment of design, consideration, where appropriate should be given to layout, form, scale, detailing and materials. It states well designed new or changing places should:

- be functional;
- support mixed uses and tenures;
- include successful public spaces;
- be adaptable and resilient;
- have a distinctive character;
- be attractive;
- encourage ease of movement

4.23 NPPF key guidance on design is summarised in paragraph 127. In addition to the above factors it states that proposals should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.24 Within the Local Plan policy D1: Place-making expands upon the NPPG design principles and applies these to the York context. In addition to the aforementioned factors D1 also establishes the following requirements for proposals -

- Respect York's skyline by ensuring that development does not challenge the visual dominance of the Minster or the city centre roofscape.
- Respect and enhance views of landmark buildings and important vistas.
- Ensure proposals are not a pale imitation of past architectural styles.
- Demonstrate the use of best practice in contemporary urban design and place making.
- Integrate car parking and servicing within the design of development so as not to dominate the street scene.
- Create active frontages to public streets, spaces and waterways.
- Create buildings and spaces that are fit for purpose but are also adaptable to respond to change.
- Create places that feel true to their intended purpose.

4.25 Although the application is outline master-planning documents and a design strategy to ensure execution of the applicant's intent for the scheme (bearing in mind that phases of the scheme may be undertaken by different developers). These documents propose a layout, design and composition of uses that would accord with national and local policy.

Layout

4.26 The layout and composition of the site are structured and help give the development its own identity. The main street which runs from west to east will accommodate commercial uses at ground floor and beyond this is a network of more intimate residential streets. The layout draws attention towards focal points within the site and it allows views between the landscaping and public open spaces. This will help give the site identity and will provide legible and attractive routes for pedestrians and cyclists, following desire lines south towards the Sustrans route and the city centre, and encouraging recreation.

4.27 The landscaping strategy for the site illustrates the types of public and private open spaces. There will be public spaces of varying types, providing space for recreation, play and amenity. There will be private and semi-private spaces for residents. The design strategy explains how the community gardens will be managed and how they could be used flexibly.

4.28 The amended design strategy document shows how there will be a 6 m clearance between the apartment block on the east side of the site and the site boundary. The approved scheme to convert the retained factory building had a car park area to the rear and as part of that scheme there was a reasonable amount of landscaping, including tree planting within the car park, to allow for a reasonable outlook.

4.29 The stray land to the west of the site is currently secured by palisade fencing and has in the past been used for car parking. This scheme proposes soft landscaping of this space and re-establishing public access. This would mean the development would have adequate amenity space, based on local policy requirements, to serve the residents. This is a positive aspect of the scheme which is policy compliant and can be secured through condition, along with the developer being responsible for future maintenance/upkeep of the landscaping.

4.30 An updated landscaping plan of the main square (cocoa garden) has been provided. Vehicles will be discouraged, by design, and this gives pedestrian priority around the main public open space. Overall there is good permeability through the site for pedestrians and cyclists, providing attractive, legible and direct routes, from east to west between main areas of public open space and south, connecting into the Sustrans route via a square that would be provided at the site of the former rail halt.

4.31 Along the Sustrans route there would be some tree removal but overall the scheme is beneficial in this respect. The Sustrans route will be enhanced by this development that will positively engage with the route; main building elevations will overlook the route, giving natural surveillance and the proposed rail halt square will encourage connectivity. The application will also facilitate improved surfacing of the Sustrans route. Sustrans have been involved in the proposals and are in support of the scheme (as reported in section 3).

4.32 There will be tree planting, in particular along the 'main street', in public and semi-private open spaces within the scheme and the landscape buffer proposed at the north of the site to screen the development from the neighbouring factory. There will be over 100 extra trees on site as a consequence of the development. The scheme overall is consistent with local policy GI4: Trees and Hedgerows.

Building form and scale

4.33 The design statement, master-plan, section and landscaping drawings establish suitable parameters for development and a hierarchy of streets. These will inform the design of the public realm, space between buildings and building heights. The statement also establishes the requirement for active frontages, to provide lively spaces which benefit from natural surveillance.

4.34 The massing is detailed in the design statement and on the section drawings. These demonstrate that the former factory buildings will remain apparent and

dominant in their setting; the site would cause no harm to the character and appearance of the part of the Terrys/Nestle site that was designated as a conservation area in 2008. To be sympathetic to surrounding houses buildings will typically be 3 or 4 storey high along the south and west boundaries. Whilst this is taller than the neighbouring 2 storey housing this is an acceptable approach given the separation distances and intervening trees along the stray and Sustrans route. The exception to this massing is on the south side of the site between the former factory building and rail halt (as shown on site section C). Here a 5-storey block is proposed, which is justified in part on account of the scale of development historically in this area which was akin in height to the retained factory building. The building proposed would be some 12 m lower than the factory building and allows transition between the factory and proposed townhouses. Although this block would be twice the height of houses on Hambleton Terrace, buildings would be some 50 m apart. The section also shows the height of trees along the Sustrans route and that these would help screen the proposed development.

4.35 The views analysis provided demonstrates the development would cause no harm to the wider setting, including the setting of the Nestle/Rowntree Conservation Area and in views of the Minster. Despite its scale the development would not be unduly prominent in public views due to its location and screening afforded by the industrial scale buildings to the north and the east and trees to the west and the south. In terms of views out of the city from the Minster analysis shows the proposed development to be of a reasonable scale; the design statements also propose a modelled roofscape that will respect local character. Re-development could therefore be regarded an enhancement because it would help conceal views of the industrial factory buildings to the north.

Detailing & materials

4.36 Only design parameters are set in the literature provided with the application. Details and materials will be a reserved matter. However the design strategy expects the use of brickwork as a prominent material at street level and pitched roof forms which relate to surrounding terraces, with potentially more contemporary forms, referencing a more industrial vernacular, at focal points.

Car parking strategy

4.37 The scheme involves a variety of solutions to accommodate car parking, which follows best practice (as detailed in Building for Life which is national guidance on housing design). The approach will prevent car parking being unduly dominant over the setting.

4.38 The amount of car parking proposed is reasonable based on data for car ownership in the ward. Car club is an increasingly popular alternative to private car ownership; it will be encouraged and dedicated spaces on-site are anticipated.

Servicing and cycle storage

4.39 The scheme establishes an approach to bin storage that accords with best practice. These areas will be discreet and adequate in area, based on current local requirements from waste services and Building Regulations. The design and access statement acknowledges that cycle parking will be in accordance with local requirements. As such it will need to be covered and secure and integral to buildings. This detail will be secured through condition.

Crime Prevention

4.40 The layout comprises of perimeter blocks which are recommended in NPPG design guidance because they provide active frontages onto the street and allow for secure private amenity space within the blocks. The revised design strategy explains that typically dwellings will have 'defendable space' to the front.

RESIDENTIAL AMENITY

4.41 It is a core principle within the National Planning Policy Framework that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.42 The NPPF states decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.43 Minor modifications to the Publication Draft Local Plan were made 25 May 2018. One of the changes was the inclusion of the following text to policy D1: Place-making – "Ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing".

Surrounding occupants

4.44 The proposed buildings are set behind landscaping along Bootham Stray to the east and the Sustrans route to the south. The proposed dwellings will be taller than their neighbours; however due to the tree cover and separation distances between houses the proposed buildings would not be over-dominant and would cause no undue over-shadowing or overlooking.

- The relationship between the proposed 4-storey dwellings and houses opposite on Wigginton Road is shown on site section DD. This shows buildings would be some 65 m apart and intervening trees are of comparable height to dwellings.
- The relationship with houses along Hambleton Terrace is shown on site sections BB and CC. The height of buildings drops from 5 to 3 storey in height as they are positioned further from the retained factory building. The 5-storey block is justified in part on account of the scale of development historically in the same area which

was akin in height to the retained factory building. The building proposed would be some 12 m lower than the factory building and although twice the height of houses on Hambleton Terrace, the buildings would be some 50 m away. The section also shows the height of trees along the Sustrans route and that these would predominantly screen the proposed development. Towards the west side of the site proposed dwellings would be 3 storey and over 55 m from those on Hambleton Terrace.

Future occupants

4.45 The master-plan massing and distances plan illustrates the proposed separation distances between buildings. The internal spaces, as annotated on the plan, are reasonable in size. To allow for comparison the internal courtyard in Hungate phase 2 measures 22m by 33m. The taller blocks have their external amenity spaces at first floor level on the internal courtyard areas. The building blocks are of varying shape and scale and are arranged to ensure reasonable light gain (to buildings and amenity spaces) and avoid over-dominant development.

4.46 A condition will require that internal noise levels within buildings meet typical standards.

Community facilities

4.47 In accordance with the thrust of Local Plan policies HW2 – New Community Facilities, HW 4 – Childcare Provision and HW 7 – Healthy Places the site would provide a crèche with community space towards the centre of the site. It would have safe, easy to navigate and attractive public routes which encourage and support healthy and active lifestyles and time spent outdoors.

HIGHWAY NETWORK MANAGEMENT AND SUSTAINABLE TRAVEL

4.48 The NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.49 It also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.

Promotion of sustainable transport modes

4.50 As required by the NPPF the scheme facilitates pedestrian and cycle movement through its layout and public realm design. There would be direct and attractive routes to and between the public open spaces within the site and out of the site to the south towards the city centre. A connection into and enhancement of the Sustrans route (improved surfacing) is also a significant component of the scheme. The way in which the development will interact with the route will make it more attractive for all users. The ‘main street’ will not be a through route for vehicular traffic and due to its design and use of materials, it will create a space pedestrians and cyclists can move through and between with relative ease.

4.51 Not providing a through route for private vehicles between Haxby Road and Wigginton Road is an NPPF compliant approach. This encourages more sustainable modes of travel. Modelling has demonstrated that the proposed scheme can be facilitated without undue impact on the highway network and also that if a through route for private vehicles were provided, then this would have a significant detrimental effect on the wider highway network, drawing in cross city traffic movements (this being contrary to the council's long standing transport policies).

4.52 Car parking spaces will be as follows

Houses – 144 spaces for the 118 houses

Apartments - 221 communal spaces for 307 flats (a ratio of 0.72 spaces per dwelling).

Short stay – 21

Dedicated car club – 4 spaces

4.53 The spaces for houses accord with the parameters for car parking in the 2005 Local Plan, which allows for 2 spaces for larger houses. The lower provision for the apartments correlates reasonably with car ownership levels for the area (the site is in the Guildhall Ward where census data shows 51% of residents don't own cars) and is

based on the developer's experience of apartment developments within reasonable distance of the city centre where car ownership tends to be lower. The scheme will facilitate the car club and this is a realistic alternative to private car ownership.

4.54 Options are available in terms of how the parking spaces would be managed, either by the developers or as part of a council resident parking scheme, with permits issued. This can be addressed through the submission of a parking strategy, to be secured through condition. A travel plan will be required through condition to deliver and manage sustainable travel measures and complemented through S106 obligation to offer the first residents either bus passes or money towards a bicycle.

Whether the site would have safe and suitable access

4.55 The proposed Wigginton Road access retains the design previously deemed to be acceptable. On Wigginton Road this adds a right turn lane into the site and pedestrian refuge points in the centre of the road to assist with crossing. Bus stops would be relocated, again as in the previous scheme. A condition would require these have a suitable specification including real time bus information. The access has been subject to a stage 1 safety audit and is deemed to be suitable on safety grounds; would not have an undue effect on traffic flow (as explain in the following paragraphs).

Impact on the highway network

4.56 Apart from the proposed works to Wigginton Road to facilitate the site access and provide better pedestrian crossing facilities it is deemed the highway network can accommodate the proposed development without further mitigation.

4.57 Trip generation rates have been calculated using the same method as was applied in the 2010 application. This scheme would generate 228 vehicular movements in the morning peak and 235 in the evening peak. When the remainder of Nestle South is factored in (conversion of the retained factory building to residential and convenience store) these increase to 336 and 343 respectively to be distributed between the two junctions (Haxby Road and Wigginton Road).

4.58 In comparison to the number of trips associated with the 2010 outline scheme -

- Vehicle flows onto Wigginton Road are very slightly higher. Two-way vehicle flows of 121 in the morning peak and 130 in the evening peak equal around 108% of the number of trips associated with the previous proposals.
- Vehicle flows onto Haxby Road are significantly lower. Two-way flows of 215 and 213 in the morning and evening peak hours respectively represent around 72% and 84% of the level accepted in 2010.

4.59 The assessment shows that the new junction to the Nestle site off Haxby Road, the Haley's Terrace Roundabout and the signalised junction at the connection between Haxby Road and Wigginton Road will not be adversely affected.

4.60 In terms of the Wigginton Road / Crichton Avenue junction, the analysis shows that in the peak AM and PM hours there is already queuing at this junction. This is a junction that is already been looked at strategically by the Council, as noted in policy T4 of the 2018 Local Plan which relates to highway network capacity improvements. The effect of the proposed development is to increase this by between 0.6% and 5.1%, which is a relatively small level of change and within day to day variations. The impact on this junction is modelled to be less than the 2010 scheme. The Civic Trust raised issue with delays the extra vehicular traffic could have for cyclists at this junction. In this respect cyclists have the option of using the existing cycle network (along the path on Wigginton Road and then onto the Sustrans route) to avoid this junction.

Impact on the level crossing

4.61 Network Rail asked for further information regarding the anticipated impact on the level crossing on Wigginton Road. This has been provided by the applicants. The change in traffic passing the crossing does not justify any works to improve safety at the crossing.

4.62 The level crossing is about 600m north of the proposed development access on Wigginton Road. It is provided with half-barriers, lights and alarms.

4.63 The ABC Rail Guide identifies the risk to individual users of the crossing to be Moderate although the collective risk including train staff and passengers was assessed as Very High. This assessment was made in August 2015 and at that time there had been no near-misses or accidents in the previous year nor any since. The report indicates 4 incidents of misuse in the previous year and 3 since the assessment.

4.64 The Crashmap website shows no personal injury collisions in the vicinity of the level crossing in the five years 2013 to 2017 inclusive.

Based on the risk assessment report made in 2015, it appears that incidents and accidents are rare, and this is confirmed by Crashmap. 4.65 The misuse rate of 3 or 4 per year, if proportionate to the traffic flows, might increase by about 1 every 3 years. However given that the vast majority of road users respect the dangers of level crossings and do not misuse these, the potential increase may not be that high.

Servicing arrangements

4.65 The layout has been designed bearing in mind the need to accommodate servicing vehicles and delivery vehicles for both the commercial uses and the apartments and so there will be adequate spaces for parking such vehicles and for

them to service the site in a forward gear. Full details would be provided at reserved matters stage.

PROVISION OF OPEN SPACE AND SPORTS FACILITIES

4.66 Section 8 of the NPPF establishes that planning decisions should aim to achieve healthy, inclusive and safe places and the importance for access to a network of high quality open spaces and opportunities for sport and physical activity. Local policies should identify the need for open space, sport and recreation and opportunities for new provision.

4.67 The local policies for provision of amenity and sports space are established in section 6 of the Local Plan – Health and Well-being.

4.68 Policy HW 3 states developments that place additional demands on existing built sport facilities will be required to provide proportionate new or expanded facilities, to meet the needs of future occupiers. Developer contributions will be sought to provide these additional facilities.

4.69 Policy GI 6 New Open Space Provision advises that all residential development should contribute to the provision of open space for recreation and amenity. Provision should be informed by existing provision in the area and local open space standards.

4.70 With the inclusion of the stray land the site would accommodate adequate open space / amenity space to meet the needs of future occupants, based on the proposed housing mix and local supplementary planning guidance (SPG) on open space. The space includes play facilities for children, semi-natural amenity space and space for recreation. The associated legal agreement will secure future maintenance of the on site open space.

4.71 A contribution is proposed towards off site sports and this has also been calculated using the SPG. The contribution would be secured through a 106 obligation and would go towards facilities in the local area. Officers have identified a number of clubs/facilities within 1.2 miles of the site where contributions could be used and these are based at New Earswick, Heworth, York City Knights and York Community and Gymnastics Foundation.

FLOOD RISK AND DRAINAGE

4.72 Local Plan policy ENV5 on sustainable drainage states that surface water flows from Brownfield sites should, where practicable, be restricted to 70% of the existing run off rate. For Greenfield sites surface water run off should be no higher than the existing rate prior to development, unless it is demonstrated this is impractical.

4.73 The York 2013 Strategic Flood Risk Assessment explains that existing run off rates are calculated as follows -

- Brownfield (i.e. previously developed) site = 140 l/s/ha
- Undeveloped (Greenfield) sites = 1.4 l/s/ha
- If no connected impermeable areas (if the site has no previous development i.e. Greenfield) then an Agricultural runoff rate of 1.4 l/s/ha shall be used.

4.74 At this site, whilst in planning terms it is 'Brownfield', the buildings were demolished nearly 10 years ago and at present there is no surface water run off connection. As such York Council drainage engineers position is that the 'Greenfield' rate should be applied. To accommodate this and the associated Yorkshire Water requirements, a further 210 m³ storage area would be required which would compromise the master plan.

4.75 When the site was originally considered for re-development it was agreed that the Brownfield run off rate could be used. The applicants are proposing a run off rate of 3.7 l/sec/ha; this is considerably less than what would be accepted for a 'Brownfield' site, but would not achieve a 'Greenfield' rate. It is also consistent with the agreed approach for the additional impermeable areas within the recent application for converting the factory building into apartments (where the car park will be created).

4.76 Officer's opinion is that the proposed run-off rate, which will be a reduction compared to historic run-off rates at the site prior to demolition, is reasonable overall. Because of the previously developed nature of the site and as buildings were cleared in anticipation of re-development, there are adequate grounds not to impose a rate which would be equivalent to that sought for a site which had never previously been developed.

THE NATURAL ENVIRONMENT

4.77 Relevant to this application NPPF policy on the natural environment is for planning decisions to -

- Protect and enhance valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)
- Minimise impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

4.78 The green corridor along the Sustrans route is important for local wildlife. There would be removal of vegetation here (including tree removal to accommodate the access onto the Sustrans route which is essential for the scheme), however it would remain as a green corridor and similar works have already been identified by Sustrans as part of their habitat management plan. The trees lost would also be compensated for; there would be an increase in trees overall, including tree planting at the north end

of the site.

4.79 The biodiversity associated with urban green spaces is very important. Often they represent the main contact with nature for the majority of people, and also provide valuable stepping stones for nature as part of wider ecological networks. The proposals to restore access to the stray land on the west side of the site and to utilise this as a semi-natural space are beneficial in this respect.

4.80 Planning conditions will be used to secure the landscaping of the stray and future management, and for habitat features for species such as birds and bats throughout the site.

SUSTAINABILITY

4.81 Section 2 of the NPPF explains how achieving sustainable development has 3 overarching objectives, these being economic, social and environmental. The scheme, in providing a mixed use development, which would meet the needs of its community, by providing predominantly the housing which has been identified in the local plan as being of most need means the economic and social aspects of sustainable development.

4.82 In terms of the impact on the environment the NPPF lists contributing to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.83 The impact on the natural, built and historic environment, making effective use of land and enhancing biodiversity has already been covered in this report; the scheme is policy compliant in respect of these matters.

4.84 With regards waste and pollution the design and access statement advises that in specifying materials for the construction of the proposed building, the design team will aim to minimise waste, for example by using standard sizes for products and materials will be selected with consideration to the BRE's green guide to specification. There will be a planning condition to manage construction and this covers noise and air pollution. With regards energy efficiency, in line with current best practice the aim is to reduce energy demand by providing energy efficient buildings rather than proposing any specific use of renewable energy. This approach does not conflict with policy; there are no policy requirements to commit to providing renewable energy

LAND CONTAMINATION

4.85 To comply with the NPPF and make the site suitable for its future use conditions are proposed to make the site suitable for its future use.

EDUCATION

4.86 As the application is in outline and the scheme would likely be developed in phases officers recommend that any demand for education provision is determined at each reserved matters application. This approach will ensure requirements are precise based on the size/type of dwellings proposed and current supply/demand of education facilities. The assessment would also be able to factor in the proposed crèche at the application site, when operational.

4.87 Based on the Councils formula the proposed development would generate the following demand for places -

Primary	60
Secondary	26
Pre-school	53

3.88 Based on current data contributions would be required towards pre-school and primary school only. However should the situation change, contributions would be used towards –

Primary - Yearsley Grove

Secondary - Joseph Rowntree

Pre-school - Funded places in the vicinity

5.0 CONCLUSION

5.1 The proposed development would provide a mix of housing reasonably in line with local need (i.e. predominantly 2 and 3 bed dwellings) and ancillary facilities that will help meet residents' daily needs in the interests of creating a sustainable community. The scheme will deliver affordable housing at a policy compliant 20%.

5.2 The development relates appropriately to the surroundings, including the adjacent conservation area, it has a well defined layout with a network and variety of green space and amenity space. The development is of scale that will relate acceptably to its surroundings; there will not be an undue impact on existing resident's amenity. The development can be accommodated by the highway network without significant effect.

5.3 The scheme accords with national advice on sustainable development, sustainable travel and design. This is a suitable scheme to re-develop this brownfield site efficiently and deliver housing in accordance with identified need. To provide adequate infrastructure to meet the needs of future occupants an associated legal agreement will also secure a contribution towards off site sports facilities and contributions towards education requirements; to be decided at reserved matters stage(s).

5.4 The planning obligations required (specified below) are compliant with the Community Infrastructure Levy Regulations in 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 to the development. Furthermore no more than 5 contributions will have been made towards the relevant infrastructure projects.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

Approve subject to Section 106 Agreement to secure the following planning obligations and subject to the conditions listed below -

- Affordable housing (20%, tenure in accordance with local policy)
- Off site sports (£222,159 (index-linked) to be used at the following facilities - Heworth Cricket club
Heworth Rugby club, New Earswick sports club, New Earswick & District Indoor Bowls club, York community and gymnastics foundation, York City Knights).
- Education (To be reviewed at each Reserved Matters stage. Contributions would be towards pre-school in catchment, Yearsley Grove Primary & Joseph Rowntree Secondary)
- Sustainable travel - first occupants to be offered £200 towards either bus pass or cycles
- Traffic Regulation Order of 5k (to cover internal layout and potential res-parking arrangements)
- Future maintenance of public open space (including stray land)

1 Time for development to commence

Application(s) for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of five years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Submission of reserved matters applications

Prior to the commencement of building works, reserved matters applications with fully detailed drawings illustrating all of the following details shall be submitted to and

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approved in writing by the Local Planning Authority:

- a) appearance
- b) landscaping;
- c) layout; and
- d) scale

Such reserved matters applications shall comply with the general design principles set out in the following documents:

The development shall be carried out in accordance with the approved details.

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

3 Approved plans

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

Site Masterplan
27050 (00)03 Y

Proposed highway works (Wigginton Road access)
67020-TA-001 REV C

Masterplan drawings
01 20D massing & separation distances
01 21D land uses
01 22D spatial connections
01 23D routes and streets
01 24D street hierarchy

Landscape masterplan by topia

Plan for cocoa gardens
T0015.SC.009-PL05

Site sections
27050(03)- 00B, 01B, 02B, 03B

Tree retention / removal plan
T0015.GA.001 PL06

Design and access statement - 27050(06)01 B

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Design strategy document - 27050(06)02 C

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority, to ensure there are suitable planning obligations and mitigation as a consequence of the development and that the housing proposed will be successful in meeting identified local need.

4 The development hereby permitted shall be carried out in adherence with the design parameters and principles as detailed within the following documents -

Design and access statement - 27050(06)01 B

Design strategy document - 27050(06)02 C

Reason: In accordance with design guidance in the NPPG, in the interests of good design; to ensure that the development is coherent and respects the adjacent conservation area due to the application being in outline form and as the scheme may be developed in phases and by multiple applicants.

5 Restriction of overall amount of development

The level of development within the site shall not exceed amounts stated within the submitted Design and Access Statement and Design Strategy (specified below) unless otherwise approved in writing as a non-material amendment by the Local Planning Authority.

425 dwellings comprising 118 houses and 307 apartments, dwelling sizes as follows -

16 x 1-bed

246 x 2-bed

117 x 3-bed

46 x 4-bed

- 1,000 sq m commercial floor-space (A2 financial & professional and B1 business uses),

- 600 sq m D1 non-residential institutions and D2 assembly & leisure use including a crèche (350 sq m) and a community building (250 sq m)

- 200 sq m convenience store.

Reason: To ensure the development contributes to meeting the housing needs of the city, does not harm the city centre retail area, provides an appropriate mix of uses and to ensure traffic generation is as predicted and modelled.

6 Phasing (to include delivery of public landscaping and site access points)

Prior to or concurrently with the first reserved matters application, a scheme detailing the sequential phasing of all aspects of the development, including the highway

network, landscaping and equipped children's play areas, the connection points onto the Sustrans route to the south of the site and landscaping of Bootham Stray, shall be submitted to and approved in writing with the Local Planning Authority.

The development shall be carried out in accordance with the approved phasing.

Reason: To ensure that the required infrastructure, open space, landscaping, and community works are provided at a time which meets the needs of future users and occupiers of the site.

7 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.

For noise details are required on the types of machinery to be used, including consideration of use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc. Where particularly noisy activities are expected to take place then details should be provided on mitigation 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.

For vibration details are required 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 may occur then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations.

With respect to dust mitigation, measures shall include, but would not be restricted to, means of keeping the highway clean, such as 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.

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/>. The CEMP must include a site specific risk assessment of dust impacts in line with the

IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For 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.

The CEMP shall provide a 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 and planning.enforcement@york.gov.uk

Reason: The condition is required prior to commencement, considering NPPF paragraph 55, to manage and mitigate the impact of the construction phase of development.

8 Construction hours

Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

9 Dilapidation survey

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: The condition is required prior to commencement, considering NPPF paragraph 55, in the interests of the safety and good management of the public highway.

10 Site access

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

Highway Works: Implementation of the access road / highways improvements as shown on the approved drawing 67020-SK001 rev A (which includes relocated footpaths, bus stops (to include BLISS real time display) and pedestrian crossing islands).

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

11 Road Safety Audit

A 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 67020-SK001 rev A, 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.

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

12 Land contamination - site investigation

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

- a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- 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;
- 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.

13 Land Contamination - 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.

14 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.

15 LC4 Land contamination - unexpected contamination

16 Drainage

The development shall be carried out in accordance with the drainage scheme as detailed in the Flood Risk Assessment by EWE Associates Ltd (Report 2017/2193 Rev A dated 03/05/2018), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage in accordance with policy ENV5 of the 2018 Draft Local Plan.

17 Drainage

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

Reason: In the interest of satisfactory and sustainable drainage.

18 Archaeology

A programme of post-determination archaeological evaluation is required on this site as follows -

- a) No archaeological evaluation or groundworks shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.
- b) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- c) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.
- d) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

Reason: The site lies within an area of archaeological interest. An investigation is
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required in accordance with Section 12 of NPPF to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

19 Details required at Reserved Matters stage

The detailed drawings to be submitted for the approval of the Local Planning Authority under condition 2 shall include the following details:

- Existing and proposed ground levels and finished floor levels for each building.
- The position, design and materials of all means of enclosure.
- The design and materials of roads, footpaths, and hard landscaped areas, including connection points onto the Sustrans network and improvements to the Sustrans route (to include resurfacing works at both access points and widening of the Wigginton Road access).
- Samples of external materials
- Street furniture including lighting
- Refuse and recycling stores including appearance and materials
- Details of covered and secure cycle storage and visitor cycle parking facilities

The development shall be carried out in accordance with the approved details.

Reason: To ensure that sufficient information is submitted to determine any future reserved matters applications and so that the Local Planning Authority may be satisfied with the finished appearance.

20 Car parking strategy

Prior to, or concurrently with, the first reserved matters application, a car parking strategy for the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall be operated in accordance with the approved strategy.

The strategy shall include the allocation and management of car parking facilities onsite. It may be updated in any subsequent reserved matters application where appropriate.

Reason: In the interests of good design to ensure that the development functions appropriately and in the interests of highway network management.

21 Brickwork to be approved

Sample panels of the brickwork to be used on each respective phase of the development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works within that phase. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

22 External materials

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 the development. 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: So as to achieve a visually cohesive appearance.

23 Landscaping

Any reserved matters applications regarding landscaping and layout shall include a survey, schedule and plan of all trees on the site and immediately adjacent to it in accordance with British Standard 5837. It will identify trees to be retained and to be felled. Where a tree is proposed for removal reasons shall be given.

The corresponding plan shall show the accurate location of the trunk (with reference number) and canopy spread of each tree in a north, east, south and west direction, and the recommended root protection area (RPA). The plans will also include details of the following where they occur near existing trees to be retained: existing and proposed levels; existing and proposed surfacing; locations of existing and proposed underground and overhead service runs. The reserved matters application shall ensure that the requirements of the root protection area of trees to be retained can be respected at all times before and during all development operations, and that the trees can be retained within a sustainable situation.

Reason: To ensure the retention and protection of existing trees that are desirable and suitable for retention before, during and after development and to allow an accurate assessment of the compatibility of the detailed development proposals with

existing trees that make a significant contribution to the amenity of the area and development.

24 Main Street (means to prevent through traffic)

Prior to completion of the 'main street' measures to prevent through vehicular traffic shall be submitted to and approved in writing by the LPA and installed in accordance with the approved details. Such measures shall remain operational at all times.

Reason: to promote sustainable travel, avoid any significant impacts from the development on the transport network and create places that are safe, secure and attractive in accordance with NPPF paragraphs 108, 110 and 111.

25 Children's Play Area (LEAP)

Prior to installation details of the equipped children's play area shall be submitted to and approved in writing by the Local Planning Authority. The area shall be constructed in accordance with the approved details.

Reason: To ensure adequate open space facilities for future occupants of the site, in accordance with section 6 – Health and Wellbeing and policy GI6 New Open Space Provision of the Local Plan and NPPF section 8 Promoting healthy and safe communities.

26 Works to Sustrans route

Prior to commencement of the relevant works a scheme detailing works along the Sustrans route (to the south of the site) shall be submitted to and approved in writing with the Local Planning Authority.

Unless otherwise agreed, the scheme shall detail - the works to trees on both sides of the track to create a more open aspect, improved surfacing at the Haxby Road and Wigginton Road access points and the widening and resurfacing of the spur section of path running between Wigginton Road and the development site access (from the Sustrans route). It shall also provide details of any new lighting (which shall include details of existing and proposed levels of lightspill).

The development shall be carried out in accordance with the approved details.

Reason: To promote sustainable travel and in the interests of good design in accordance with NPPF paragraphs 108, 110 and 127.

27 Landscape and Ecological Management Plan

A landscape and ecological management plan, covering Bootham Stray and habitats at the south end of the site, adjacent the cyclepath shall be submitted to, and be

approved in writing by, the local planning authority prior to the commencement of works in the relevant area.

The content of the plan shall include the following;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, in particular given the proposed removal of vegetation at the south end of the site, and to be in accordance with Paragraph 175 of the NPPF (2018) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

28 Biodiversity Enhancement

Any submission of reserved matters shall incorporate details of what measures are to be provided within the design of the development for the creation of new wildlife features to secure net gains for biodiversity. These will include;

- bat roost and bird nesting features within new buildings and structures,
- native species rich landscaping scheme, and
- incorporation of areas of 'open mosaic habitat on previously developed land' where applicable. Features suitable for this habitat include green/brown biodiverse roofs.

Details will be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

Reason: In accordance with Paragraph 175 of the NPPF (2018) to encourage the

incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

Informative: Nesting Birds

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Informative: Hedgehogs

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

29 Travel Plan

Prior to occupation of the development a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

The travel plan shall follow the principles established in the submitted Transport Assessment and shall accord with the guidance detailed in the National Planning Policy Guidance.

The scope of the travel plan shall include specifically the following measures -

- Measures to facilitate and promote a car share / car club scheme (or equivalent)

on site (It is noted that the Transport Assessment proposes 4 car club spaces within the site).

- Management of car parking for the apartments
- Provision of electric vehicle charging facilities
- Cycle storage

Reason: to promote sustainable travel, in accordance with NPPF paragraphs 108, 110 and 111.

30 Electric vehicle facilities

Prior to occupation of the relevant building all in-curtilage allocated parking spaces shall incorporate a suitably rated electrical socket to allow a minimum 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable (see notes for EV1 below)

Prior to occupation of the relevant buildings a minimum of 2% of each internal communal parking area shall incorporate facilities for charging electric vehicles. Charging points shall be for the exclusive use of zero emission vehicles (with appropriate bay marking and signage). The exact number of charging points, together with their position and specification should be first agreed in writing by the Council.

Reason: To provide facilities for charging electric vehicles in line with section 9 of the NPPF and CYC's Low Emission Strategy and Air Quality Action Plan.

Notes

For EV1 - Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

For EV2 - The number of charge points should be a minimum of 2% of the communal parking provision and rounded up to the nearest whole number of points. Charge points should be weatherproof, outdoor recharging units for electric vehicles with the capacity to charge at up to 7kw (32A). Groundworks and cabling should be sufficient to upgrade that unit and to provide for an additional recharging unit of the same specification in a nearby location.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

31 Noise levels in dwellings

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

32 Hours of deliveries to commercial uses

Upon completion of the development, delivery vehicles and waste removal vehicles to the commercial premises shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 18:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

33 Plant & Machinery (commercial buildings)

Details of all machinery, plant and equipment to be installed in or located at the commercial premises, which is audible outside of the premises, 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.

INFORMATIVE: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 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.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

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 (paragraph 38) 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 negotiations, sought further clarification regarding the proposals and through the use of planning conditions and legal agreement.

2. 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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